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LETTER DATED 24 MAY 1994 FROM THE SECRETARY-GENERAL TO THE PRESIDENT OF THE SECURITY COUNCIL

Addendum

ANNEXES TO THE FINAL REPORT OF THE COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

VOLUME III - ANNEX VI, PART 2, AND ANNEX VII

95-03768 (E) 080295 280295

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX VI, PART 2
STUDY OF THE BATTLE AND SIEGE OF SARAJEVO

Under the Direction of:

M. Cherif Bassiouni
Chairman and Rapporteur on the Gathering
and Analysis of the Facts, Commission of Experts
Established Pursuant to Security Council Resolution 780 (1992)

Principal Legal Analyst:

William B. Schiller, Director of Research

Contributors:

Ralph Peter Spies, Research Fellow
Daniel J. Bronson, Staff Analyst

and

The Staff of the International Human Rights Law Institute,
DePaul University

Appendix 6

PHOTOGRAPHS PICTURING TARGETS SHELLED IN SARAJEVO

I. CITY CENTER

Shelling of the City Center appears in the Chronology of the battle and siege of Sarajevo on the following dates:

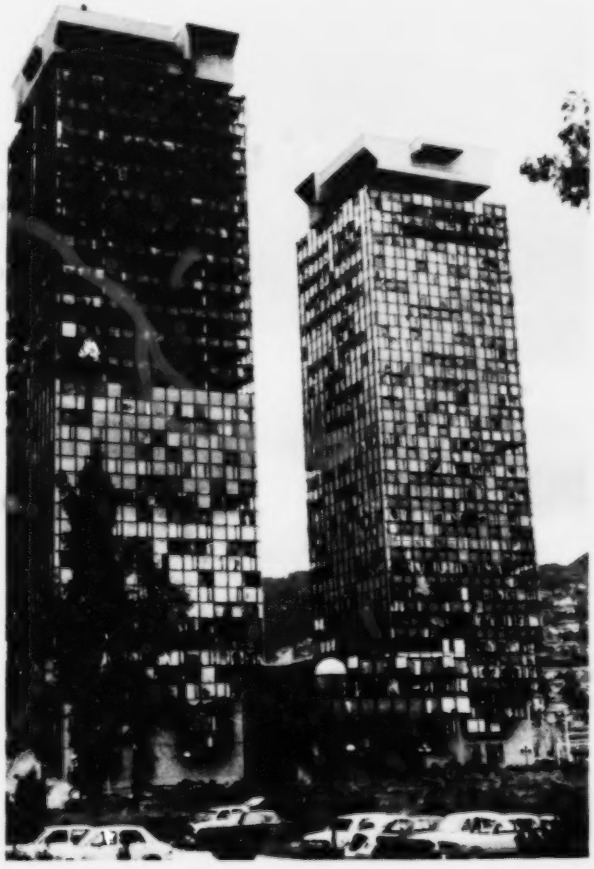
(1992):	05.04.; 22.04.; 18.05.; 07.06.; 09.06.; 22.06.; 26.06.; 30.06.; 04.07.; 07.07.; 08.07.; 10.07.; 21.07.; 26.07.; 29.07.; 04.08.; 13.08.; 17.08.; 21.09.; 24.09.; 29.09.; 04.10.; 05.10.; 29.10.; 01.11.; 10.11.; 13.11.; 16.11.; 23.11.; 26.11.; 04.12.; 18.12.; 20.12.; 21.12.; 23.12.; 25.12.; 30.12.
(1993)	12.01.; 14.01.; 15.01.; 17.01.; 24.01.; 05.02.; 01.03.; 20.04.; 06.05.; 28.05.; 24.07.; 22.07.; 25.07.; 20.08.; 16.09.; 29.09.; 07.10.; 10.10.; 14.10.; 17.10.; 28.10.; 29.10.; 06.11.; 10.11.; 22.11.; 27.11.; 29.11.; 04.12.; 11.12.; 14.12.; 15.12.
(1994)	03.01.; 04.01; 08.01; 10.01.; 24.01.; 26.01.; 10.02.

UNIS Company

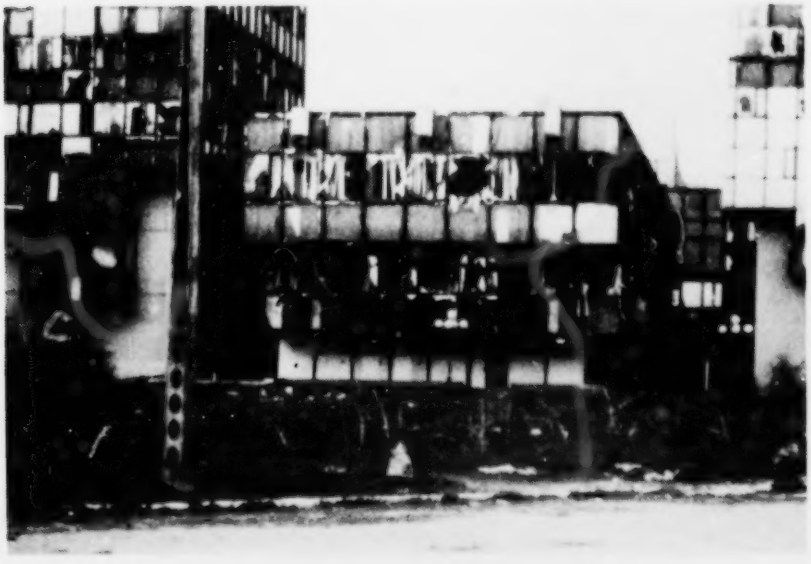
UNIS Company

UNIS Company

UNIS Company



UNIS Company



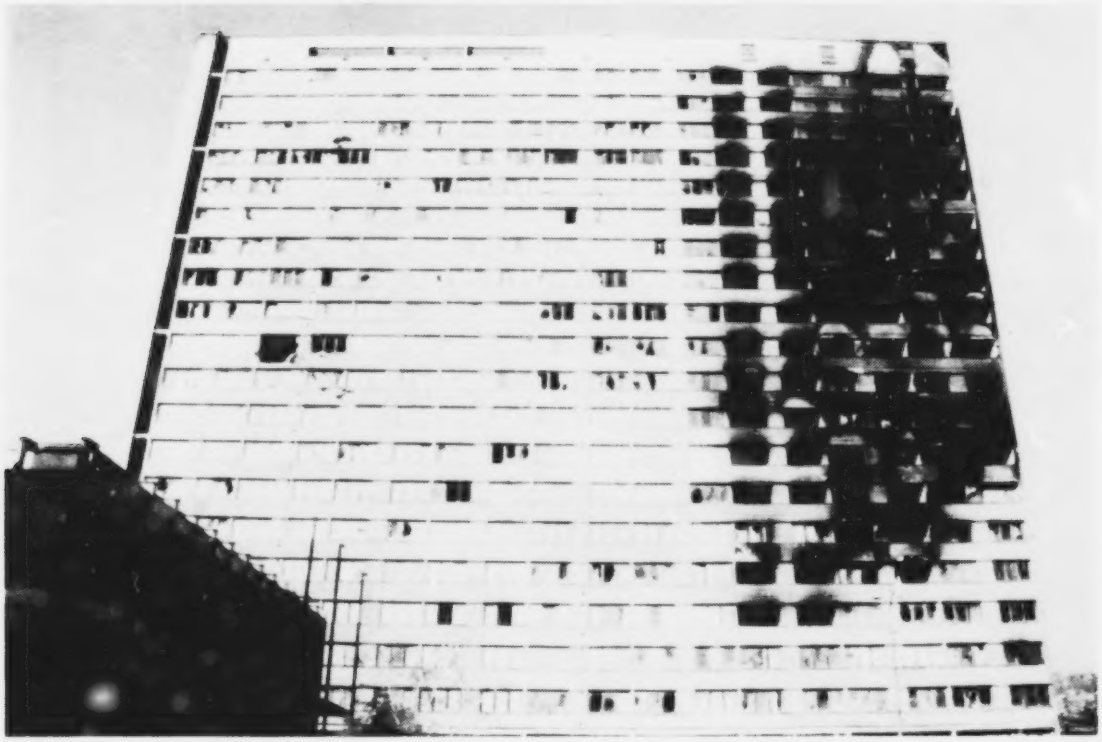
UNIS Company

UPI Company

Ergoinvest Company

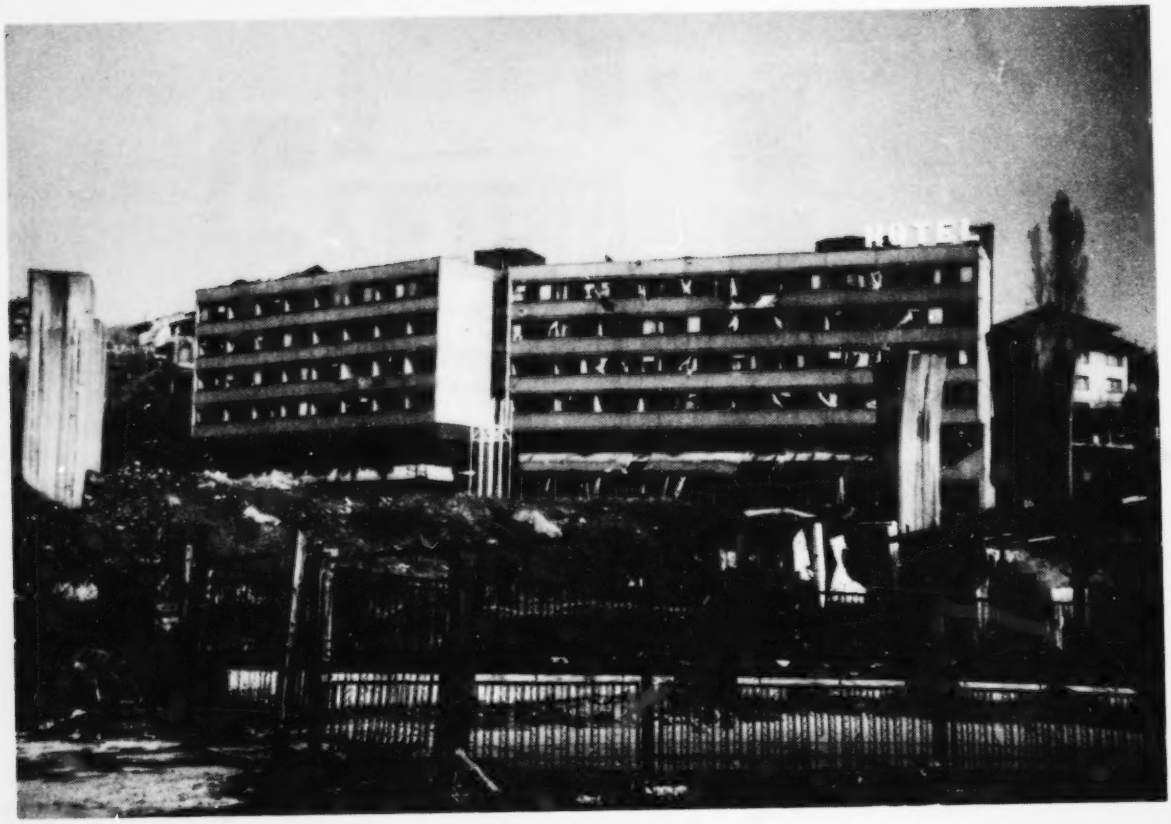
Socijalno Building

Sibica Building

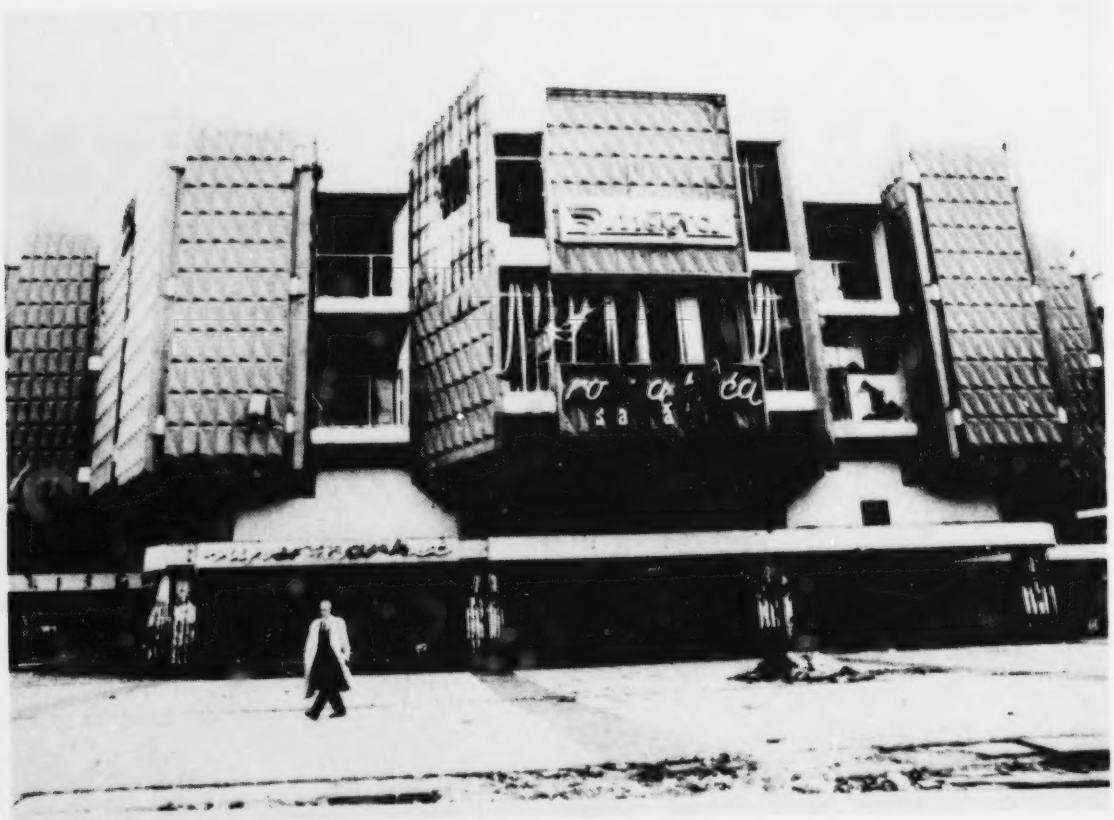


ZGP Hotel

ZGP Hotel



Sarajka Department Store



II. OSLOBODJENJE

Shelling of Oslobodjenje appears in the Chronology of the battle and siege of Sarajevo on the following dates:

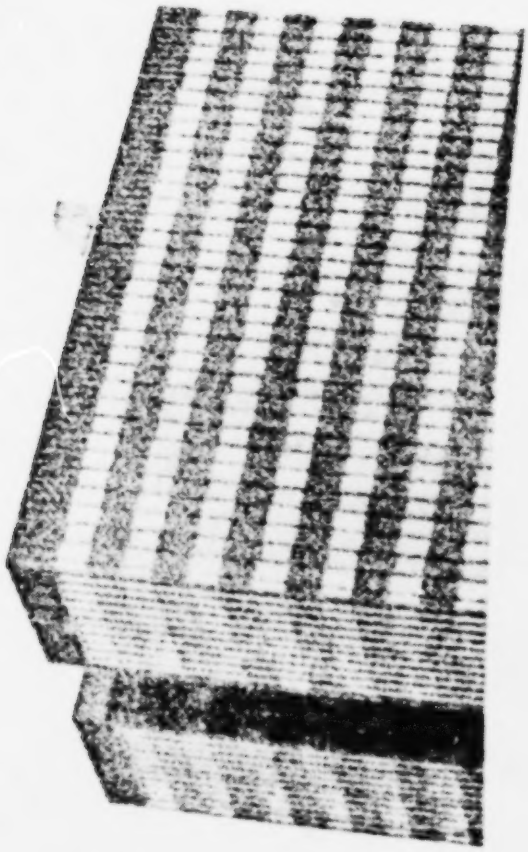
(1992) 18.05.; 10.06.; 20.06.; 08.07.; 22.08.; 24.08.

Oslobodjenje

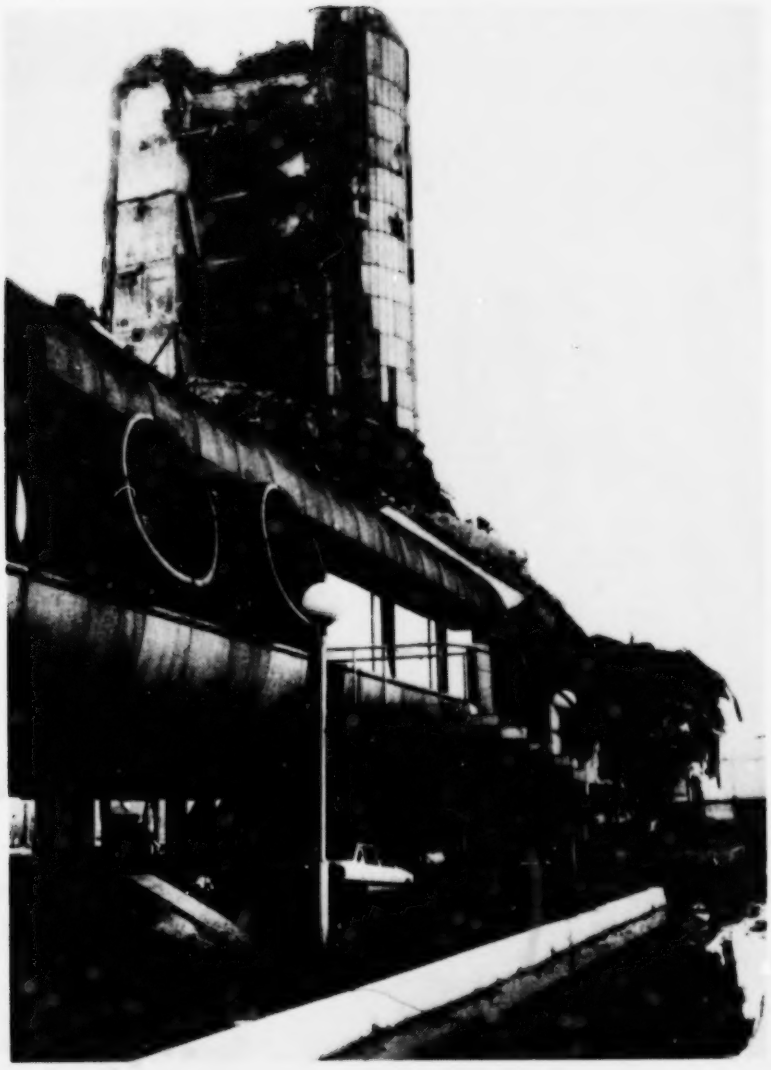
Oslobodjenje

Oslobodjenje

Oslobodjenje

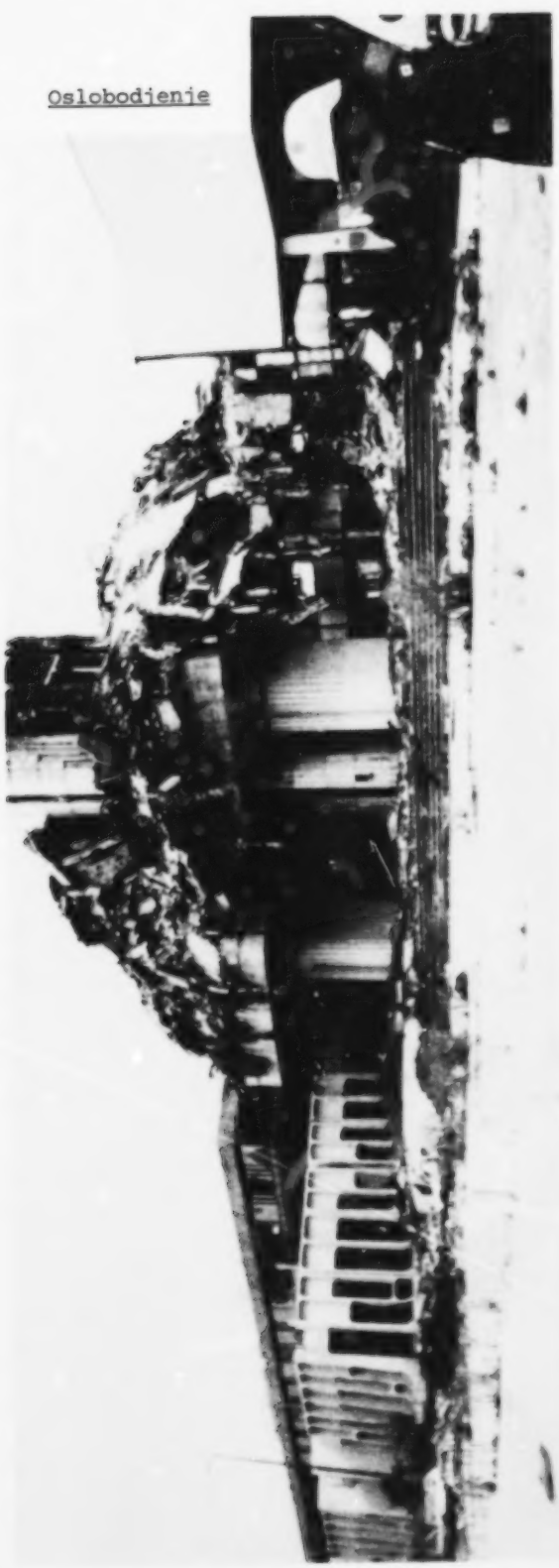


Oslobodienie



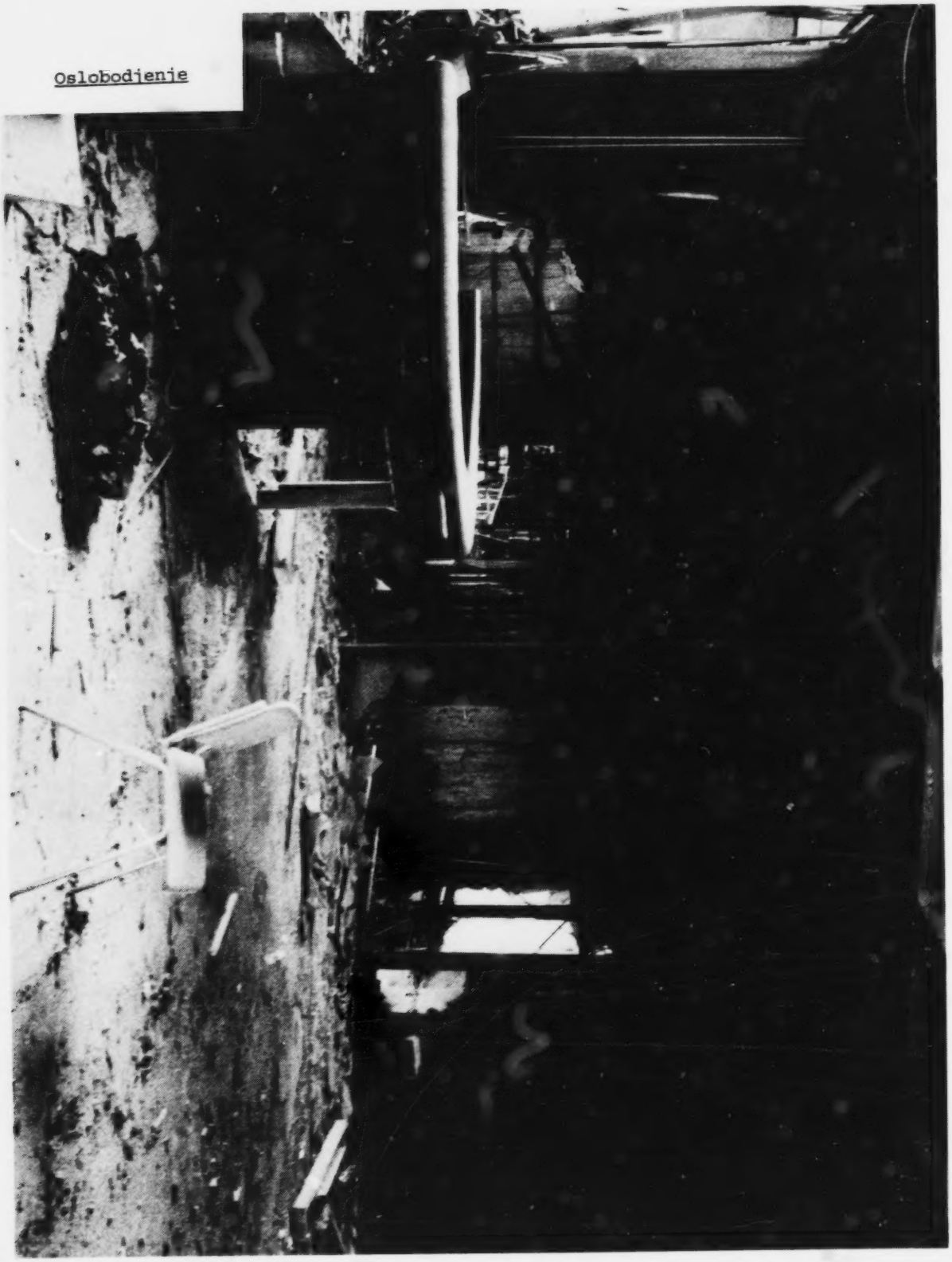
Oslobodjenje

Oslobodjenie

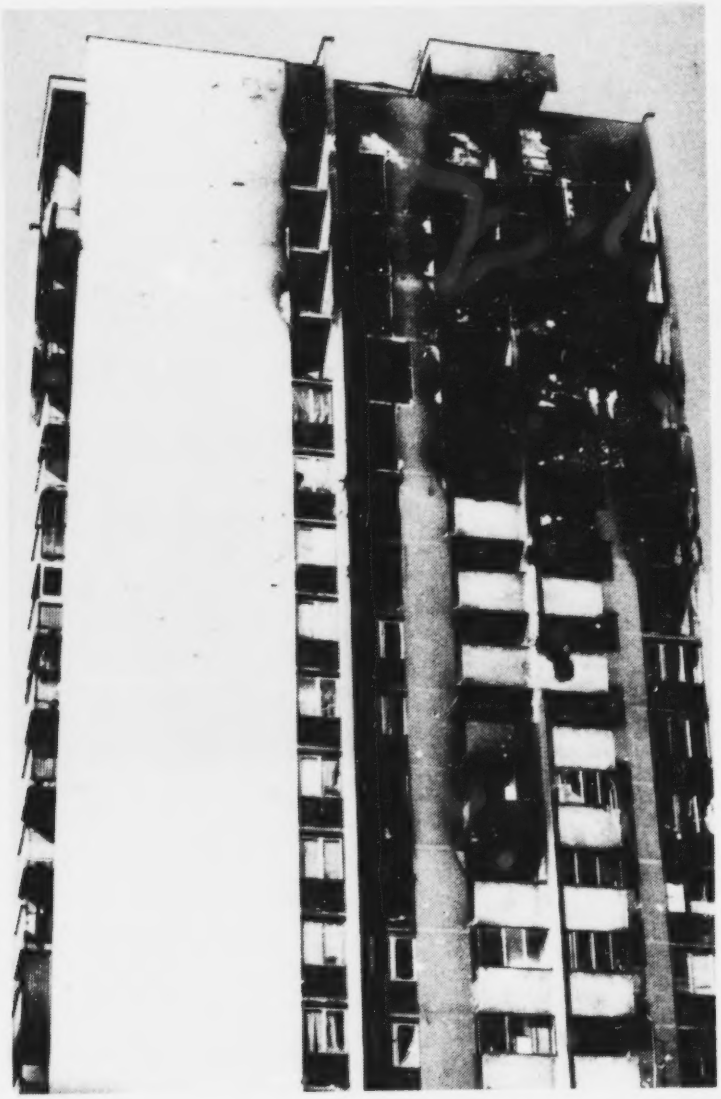


Oslobodjenje

Oslobodjenje



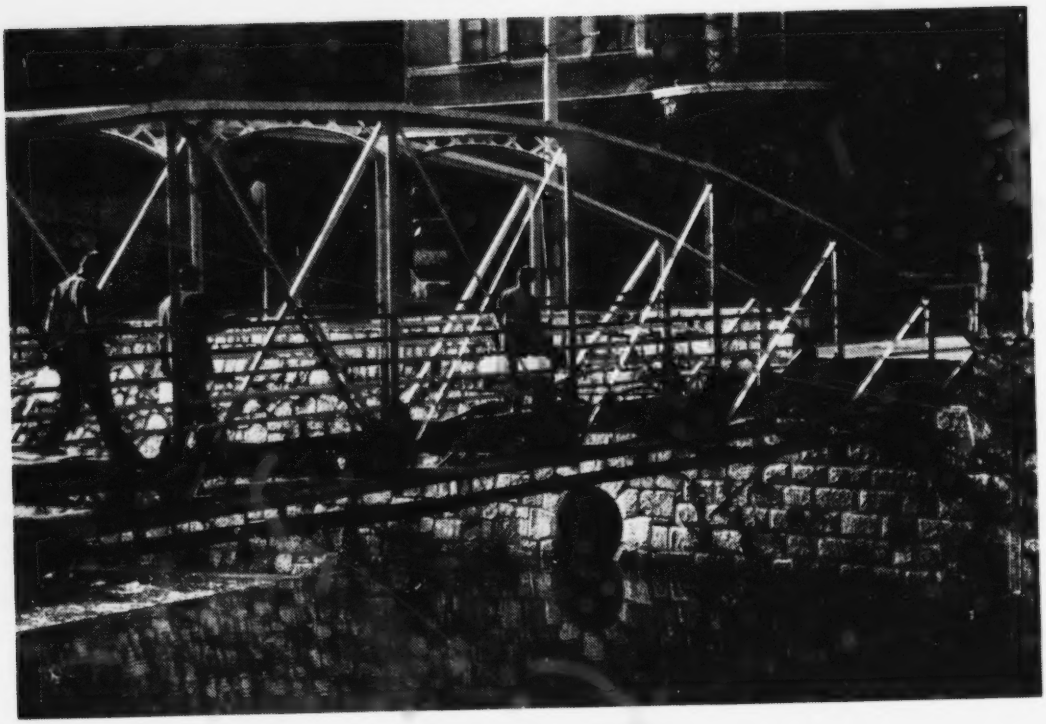
Pero Kosoric Square



Grbavica Shopping Settlement

Buildings on Obala Vojvode Stepe

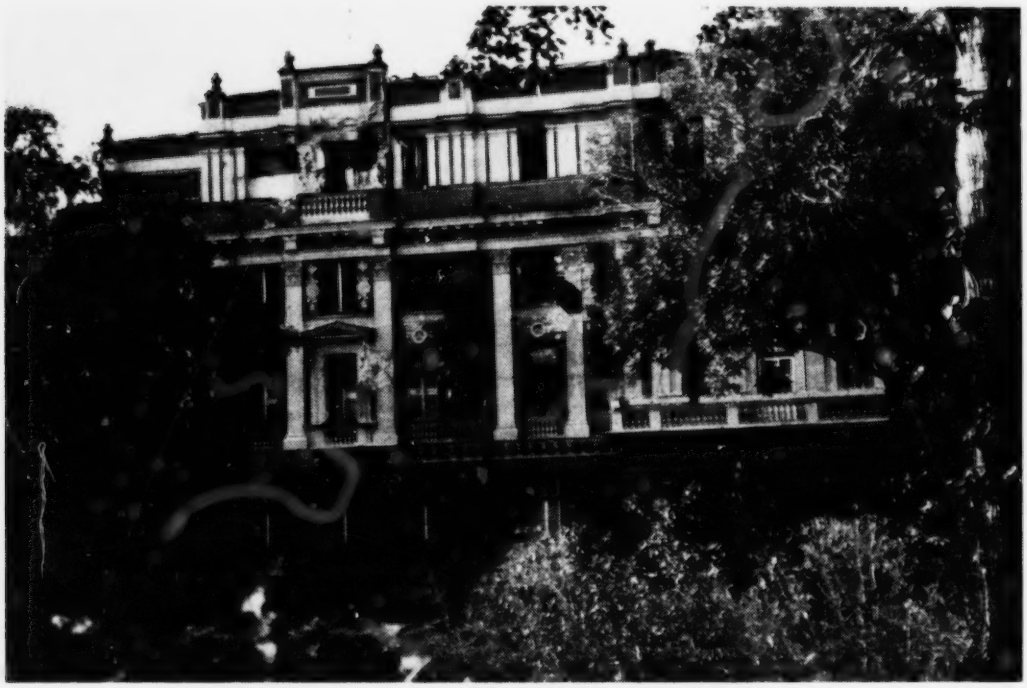
Bridge between Park Cara Dujaica and Obala Vojvode Stepe



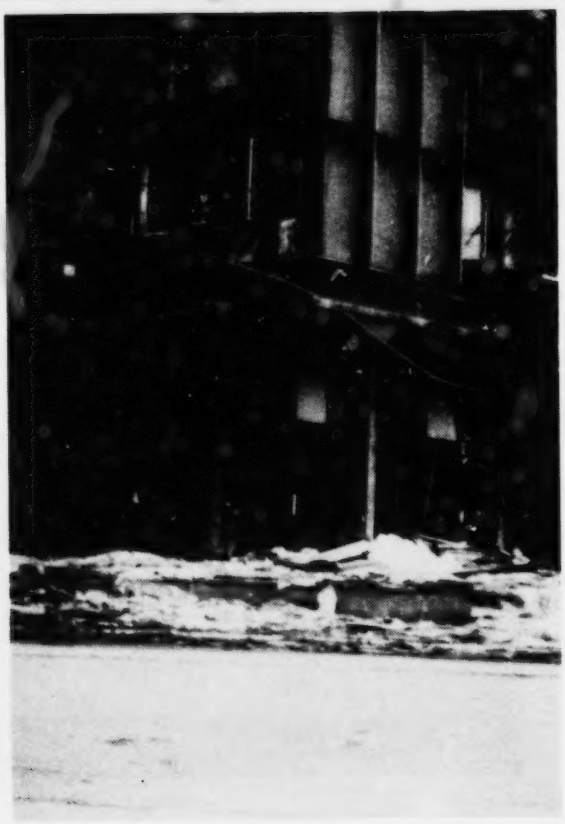
Building on Kalja Romislava and Damijila Ozme

Eiffel Bridge (behind destroyed "Gras" Trams)

Town Hall



Novo Sarajevo



Train Station in Novo Sarajevo

Offices on Kidrica Boulevard

Bank on Maršal Tito Street

Bank on Maršal Tito Street

Majinska Skola Mechanic High School on Maršal Tito Street

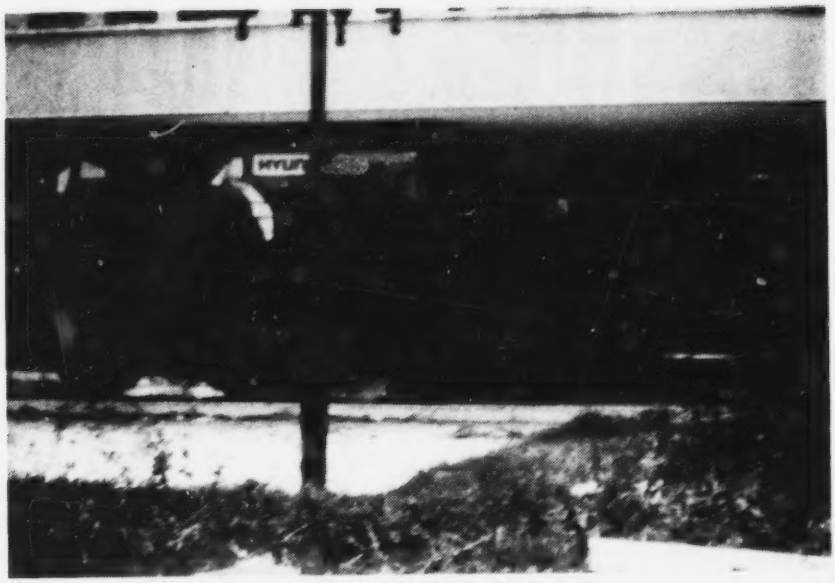
Building on Maršal Tito Street

III. HOLIDAY INN

Shelling of the Holiday Inn appears in the Chronology of the battle and siege of Sarajevo on the following dates:

(1992)	09.06.; 04.07.; 06.07.; 07.07.; 10.07.; 28.07.; 05.08.; 21.08.; 24.08.; 30.083; 12.09.; 14.09.; 19.09.; 05.10.; 05.12.;
(1993)	09.02.; 26.02.; 27.02.; 06.05.; 28.05.; 30.05.; 21.07.; 15.10.
(1994)	05.01.; 09.01.; 14.01.

Holiday Inn



IV. PARLIAMENT

Shelling of the Parliament appears in the Chronology of the battle and siege of Sarajevo on the following dates:

(1992): 07.04.; 06.07.; 31.07.; 23.08.; 14.09.; 19.09.; 20.11.; 02.12.

(1993): 11.01.; 14.01.; 25.01.; 09.02.; 30.05.; 21.07.

(1994): 10.02.

Parliament

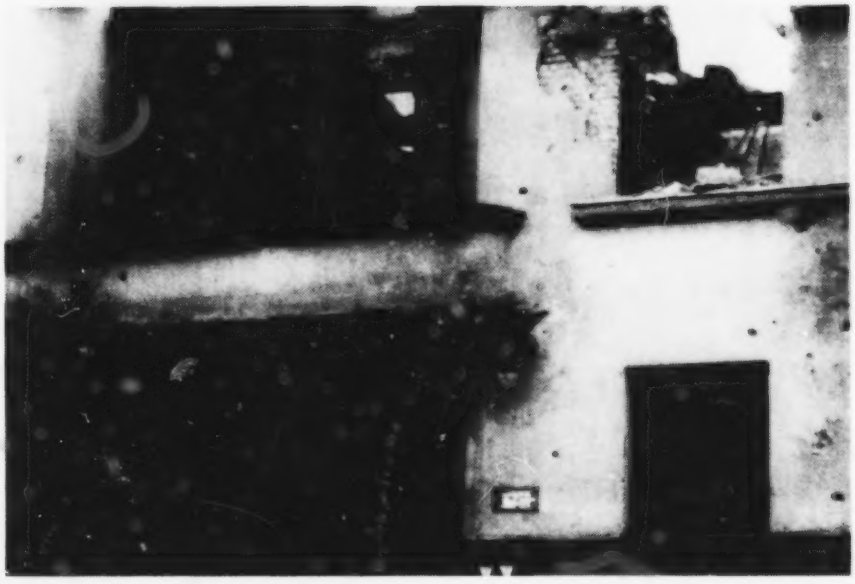
Parliament

Parliament

Building on Marijin Dvor

V. HOSPITALS AND RED CROSS

Red Cross Building



Military Hospital

Military Hospital

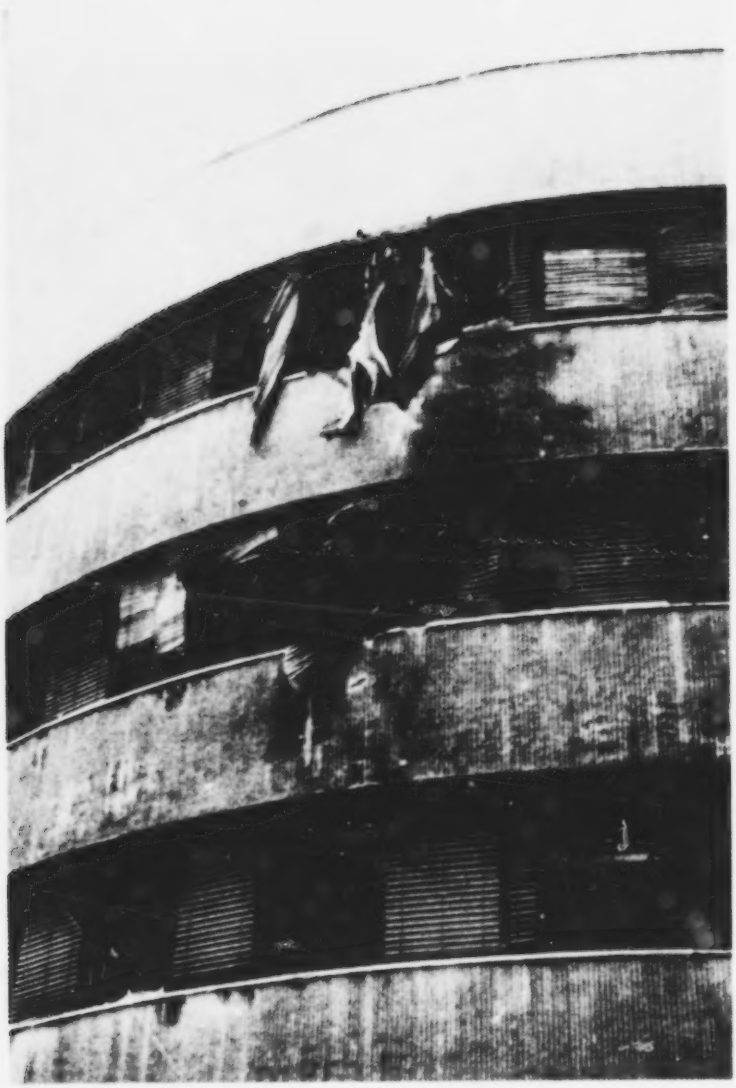
Military Hospital

Military Hospital

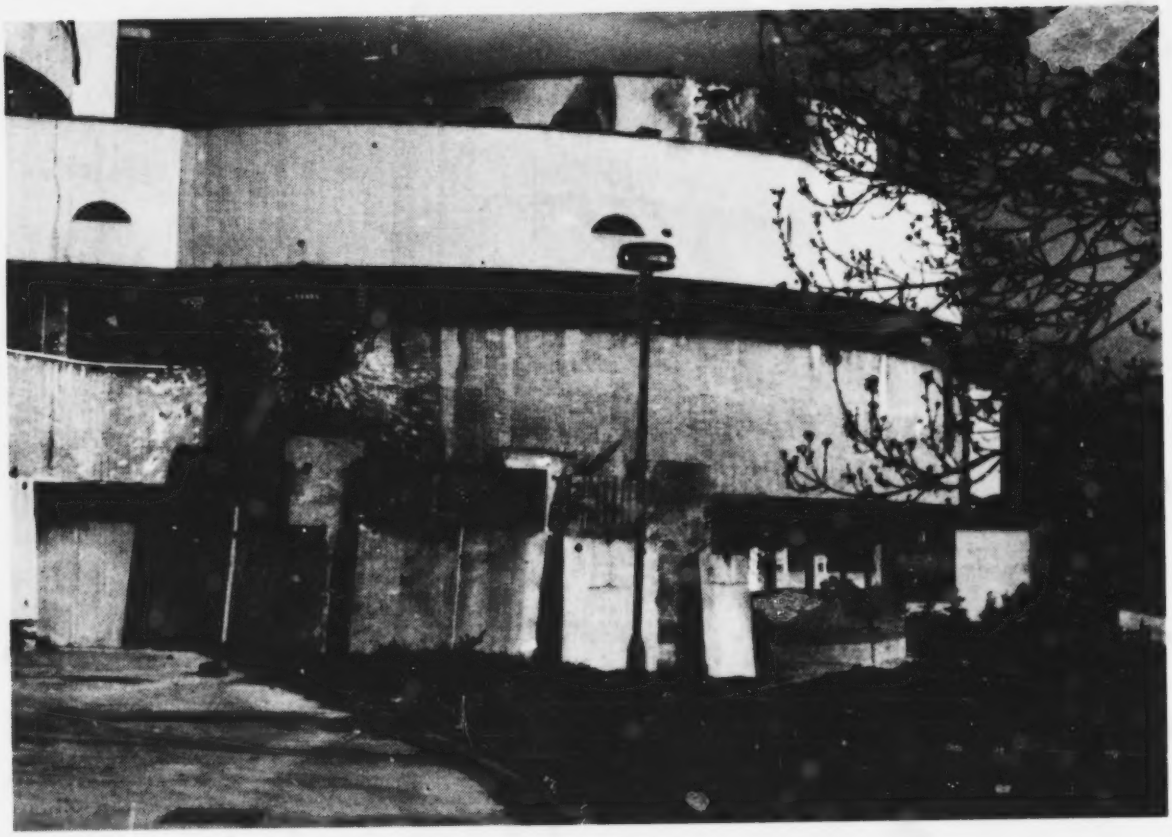
Students Polyclinic

Students Polyclinic

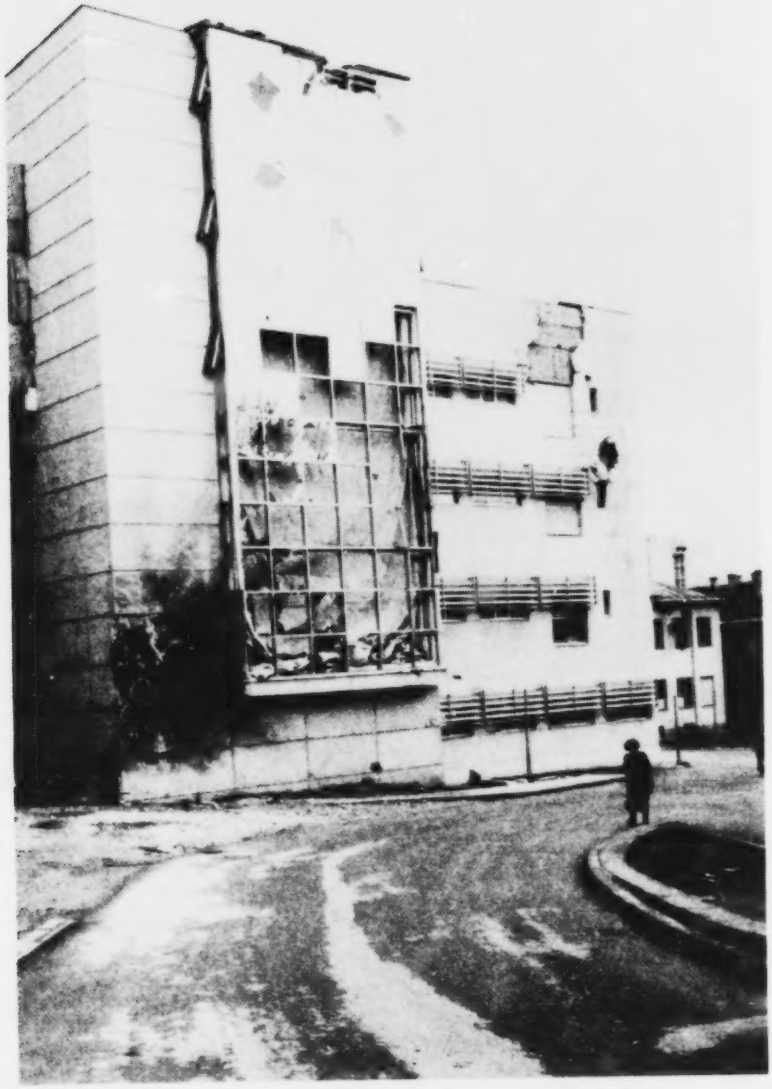
Traumatology Clinic, UMC



Traumatology Clinic, UMC



Internal Diseases Polyclinic, UMC



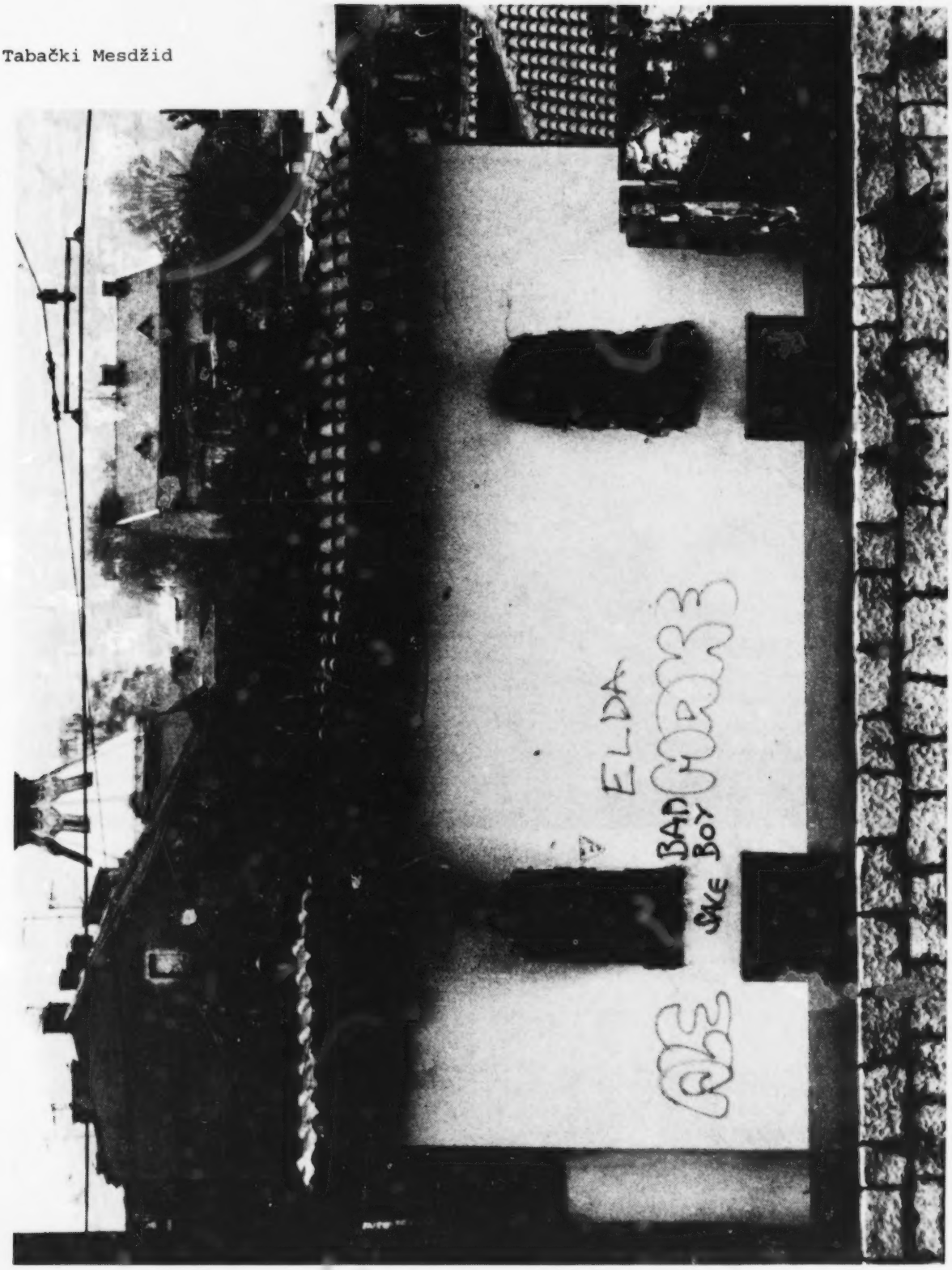
Internal Diseases Polyclinic, UMC

VI. MOSQUES AND CHURCHES

Mosque in Sokolje

The Tabački Mesdžid, built in 1591, is a well-known monument of the Osman Empire in the Baščaršija (the old town area of Sarajevo) which was hit by at least nine incendiary bombs and burned down.

Tabački Mesdžid



White Mosque in Vratnik

Carina Mosque in Vratnik

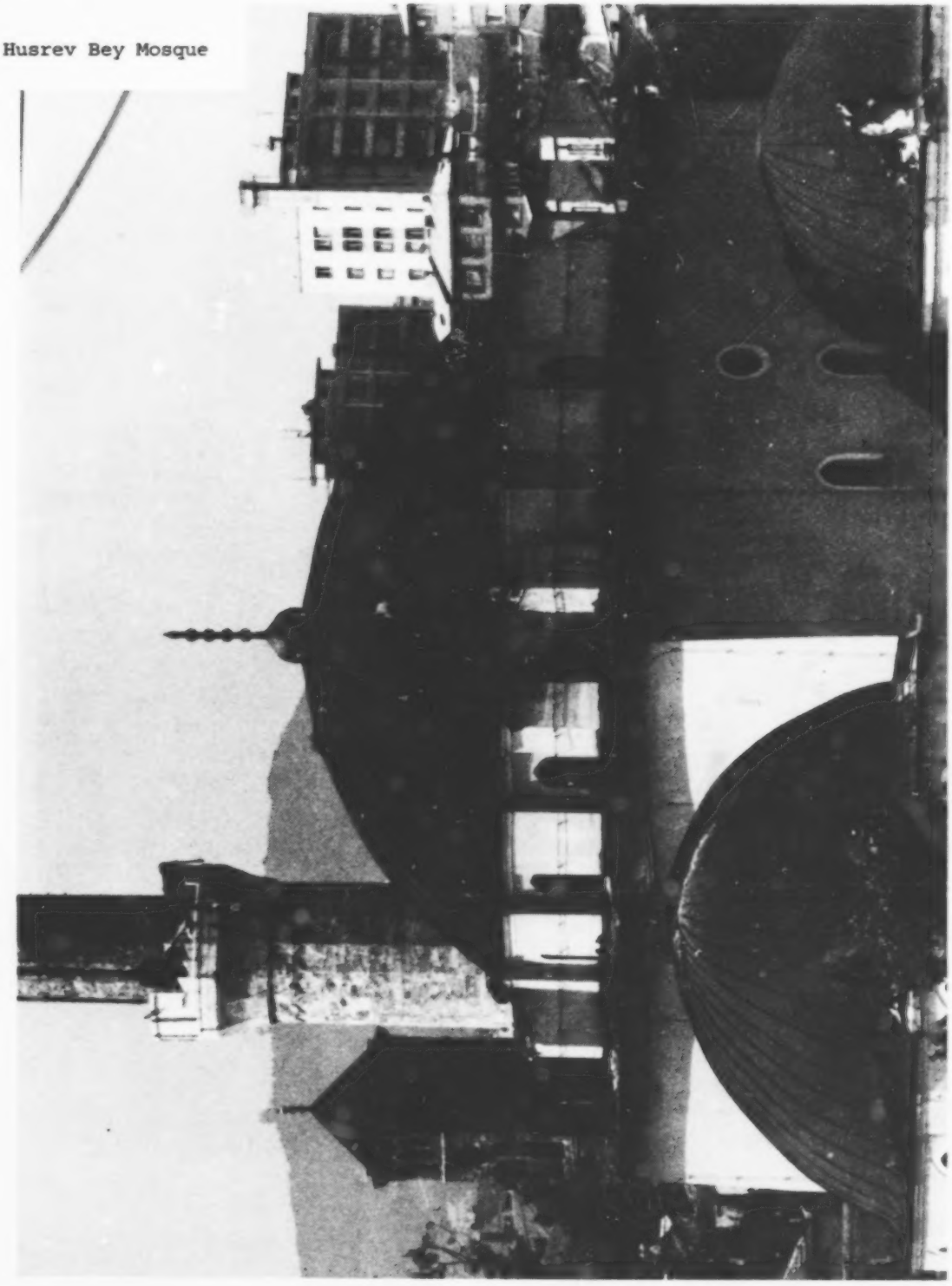
Mosque in Sirokaca

The Gazi Husrev Bey Mosque, built in 1531, represents one of the major achievements of Islamic architecture in BiH. In addition, there is the Muslim religious secondary school, the Gazi Husrev Bey's School, one of the most beatiful monuments of old Sarajevo. It was founded and constructed in 1537. The Gazi Husrev Bey's library was established in 1537 and represents the greatest treasury of oriental scripts in the former Yugoslavia. Its possessions include a number of old, important and unique manuscripts in Arabic, including some works from Islamic sciences still unknown in the field of Islamic studies.

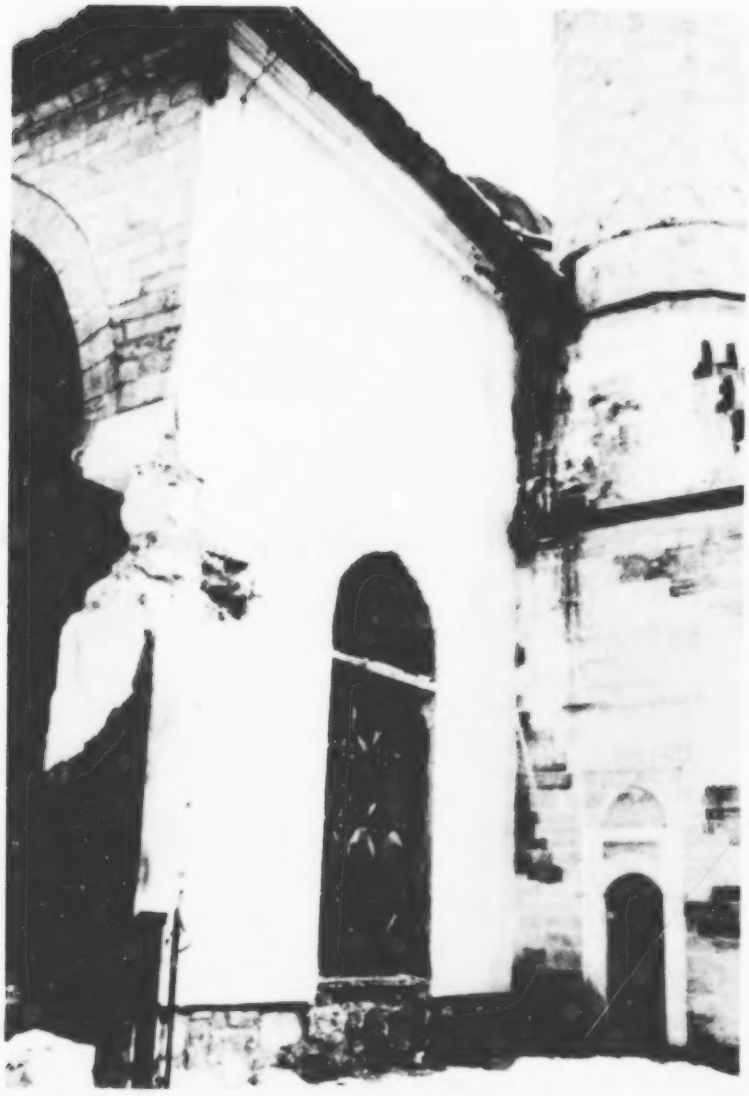
Gazi Husrev Bey Mosque

Gazi Husrev Bey Mosque

Gazi Husrev Bey Mosque



Gazi Husrev Bey Mosque

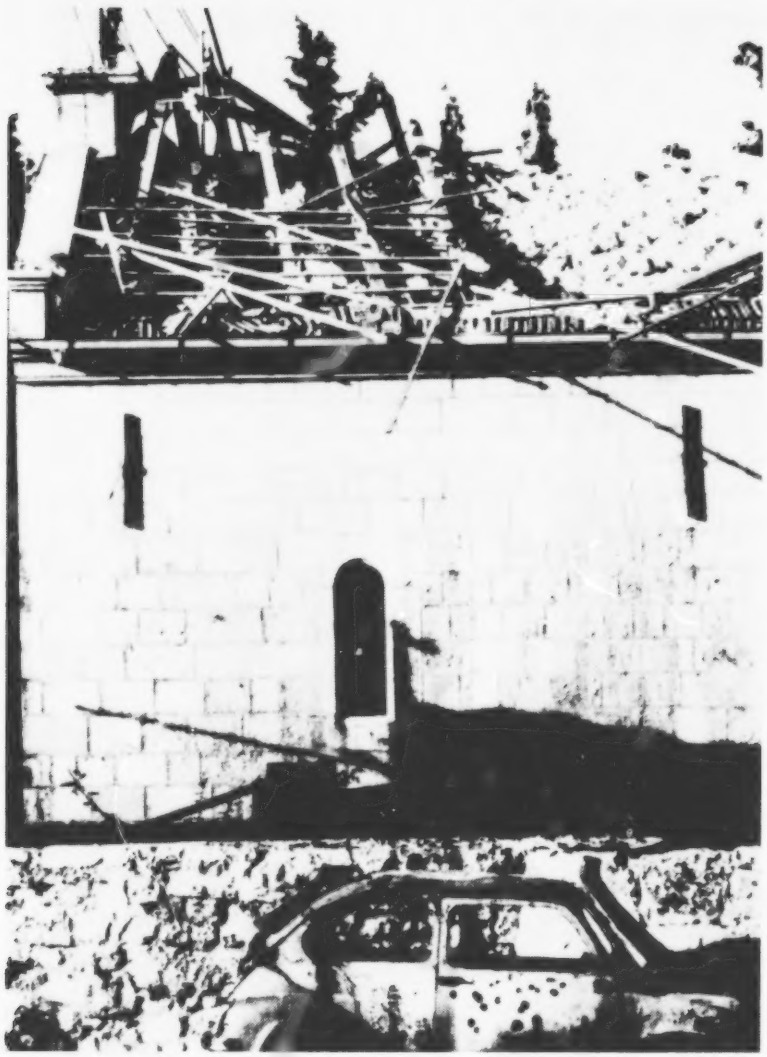


Gazi Husrev Bey Mosque

Gazi Husrev Bey Mosque

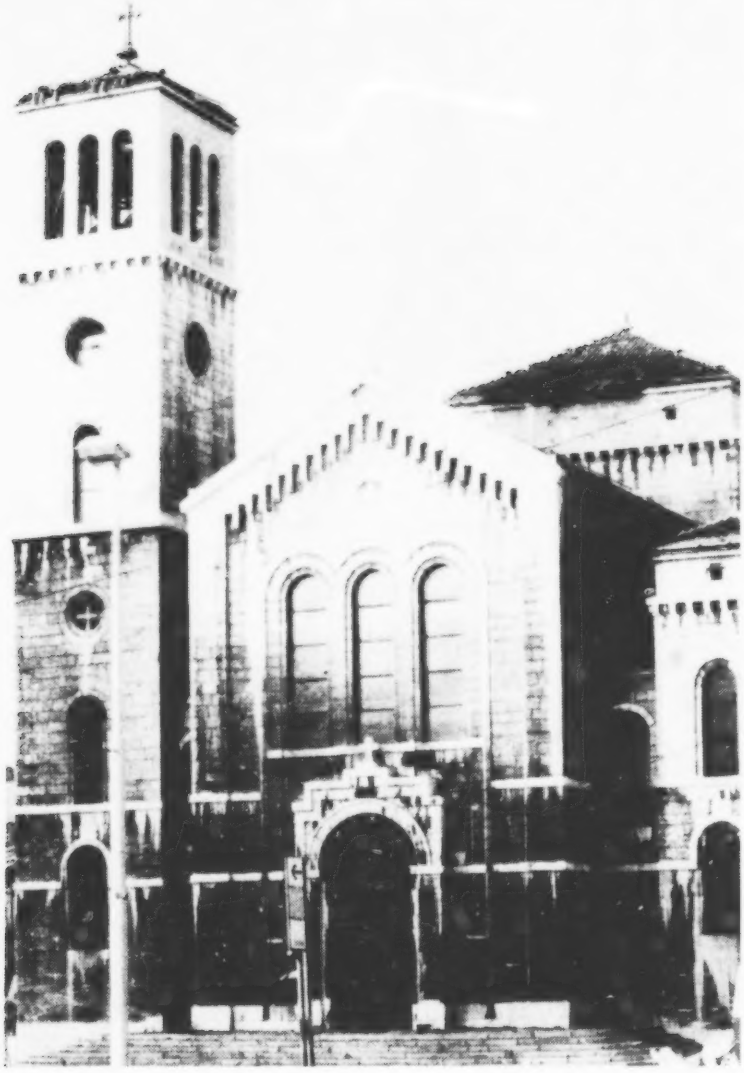
Mosque in Ugorsko

Catholic Church in Ravno



Catholic Church in Ravno (interior)

Catholic Church in Marijin Dvor



Catholic Church in Dolac Malta

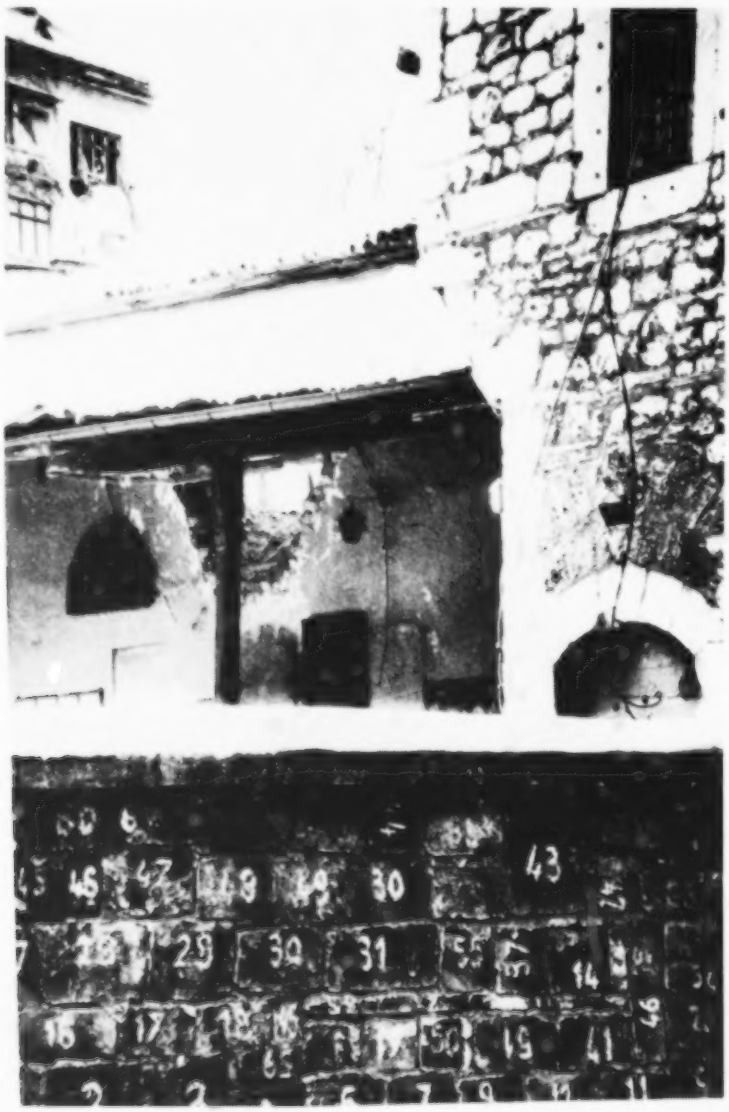
Catholic Church on Maršal Tito Street

Orthodox Chapel in the Koševo Cemetery

Orthodox Chapel in the Koševo Cemetery

St. Vincent Church

The Old Orthodox Church, built before 1539, is situated in Baščaršija. A great number of icons from the church museum, founded in 1889, were reportedly transferred to Serbia at the beginning of the war in 1992.



Ali Pasha Mosque, built in 1560, is considered a masterpiece of oriental architecture.

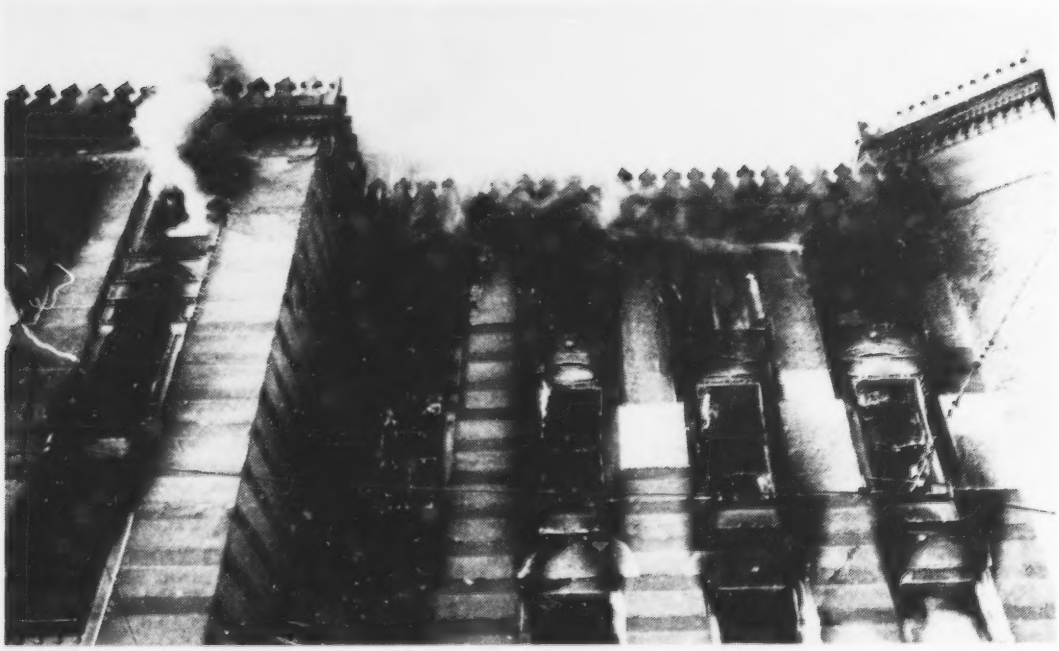
The Magrabija Mosque, built in 1538, was totally destroyed.

VII. HISTORIC MONUMENTS

The National and University Library of the Republic of BiH, situated in the building of the City Hall, used to be a center containing an enormous library with holdings amounting to about 2,500,000 volumes. In this context, it is important to focus on the department named Bosniaci, containing the total literary inheritance (old books and manuscripts) dating as far back as the sixteenth century.

They City Hall is a structure designed in Moorish style by the Czech architect Aleksander Vitek and build between April 1892 and 1896. The National and University Library holdings were stored in this building, which repeatedly was bombarded from April 1992 until at least late August 1992, when it burned down. With the exception of 50% to 60% of the library stock that had been transferred to other sites in the city, everything had been destroyed.

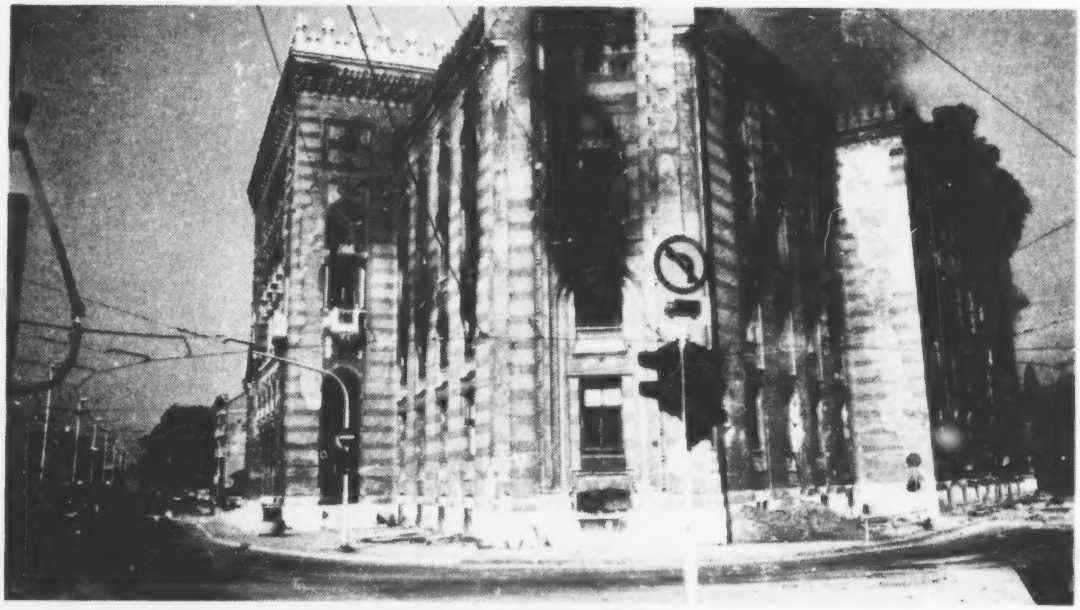
City Hall and National and University Library

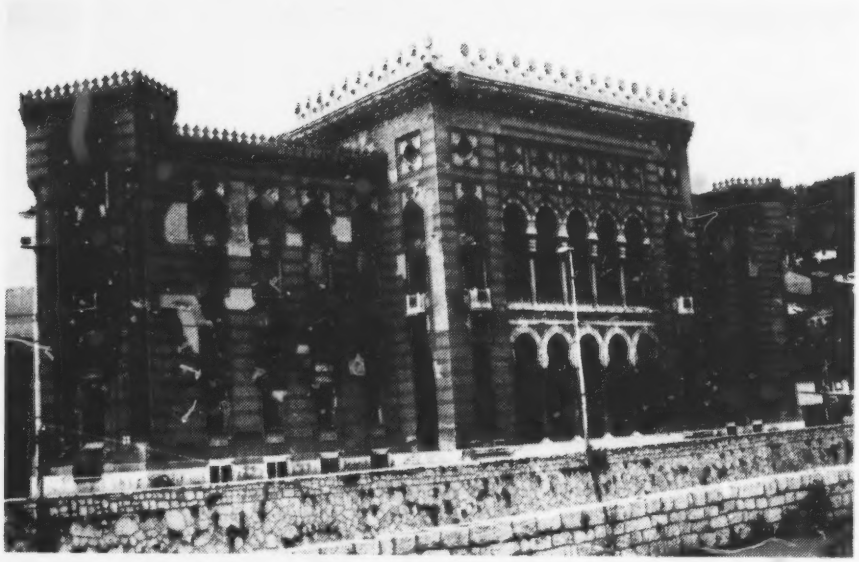


City Hall and National and University Library

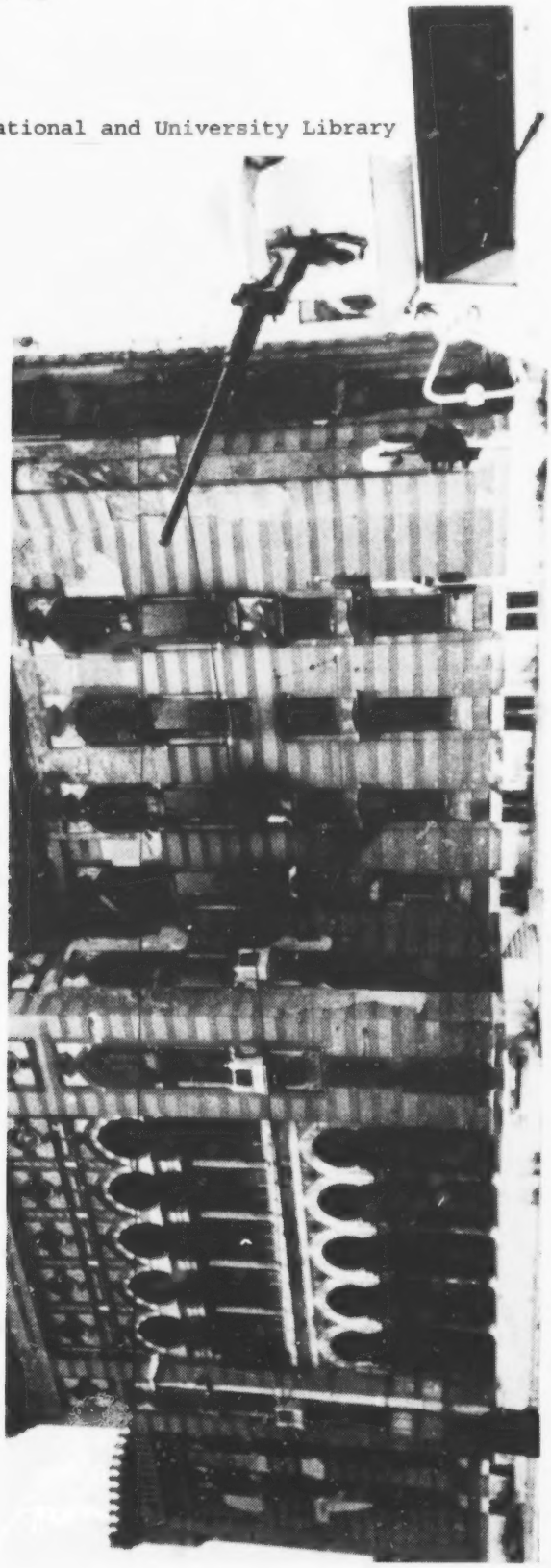
City Hall and National and University Library

City Hall and National and University Library



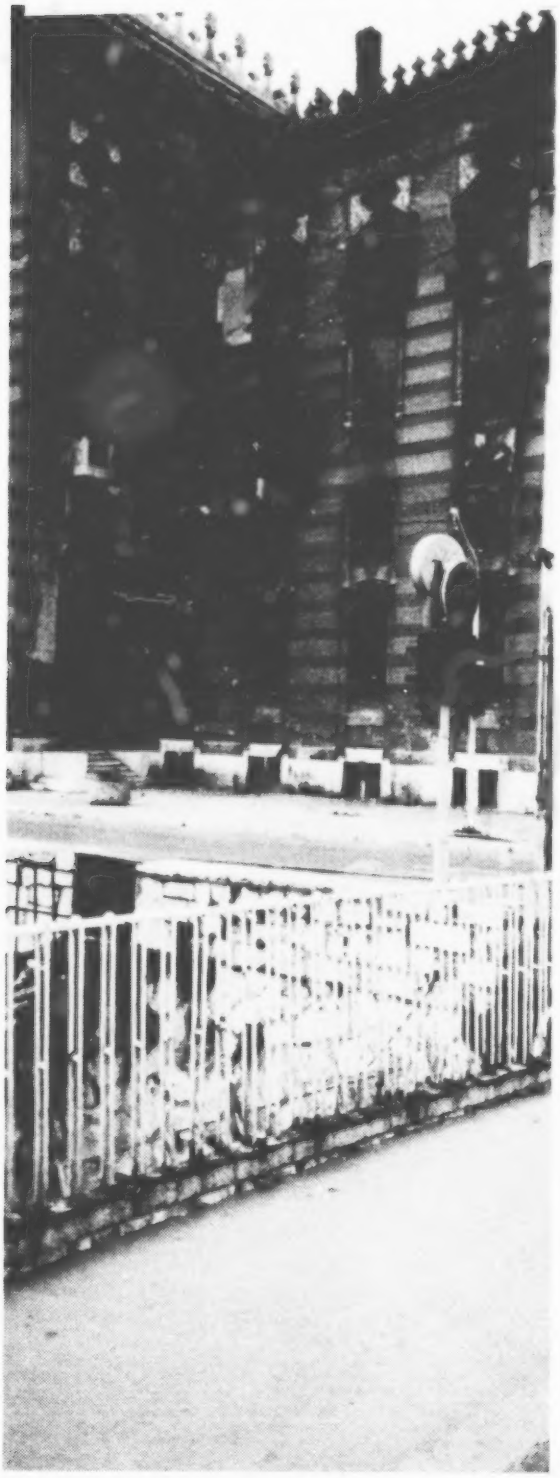


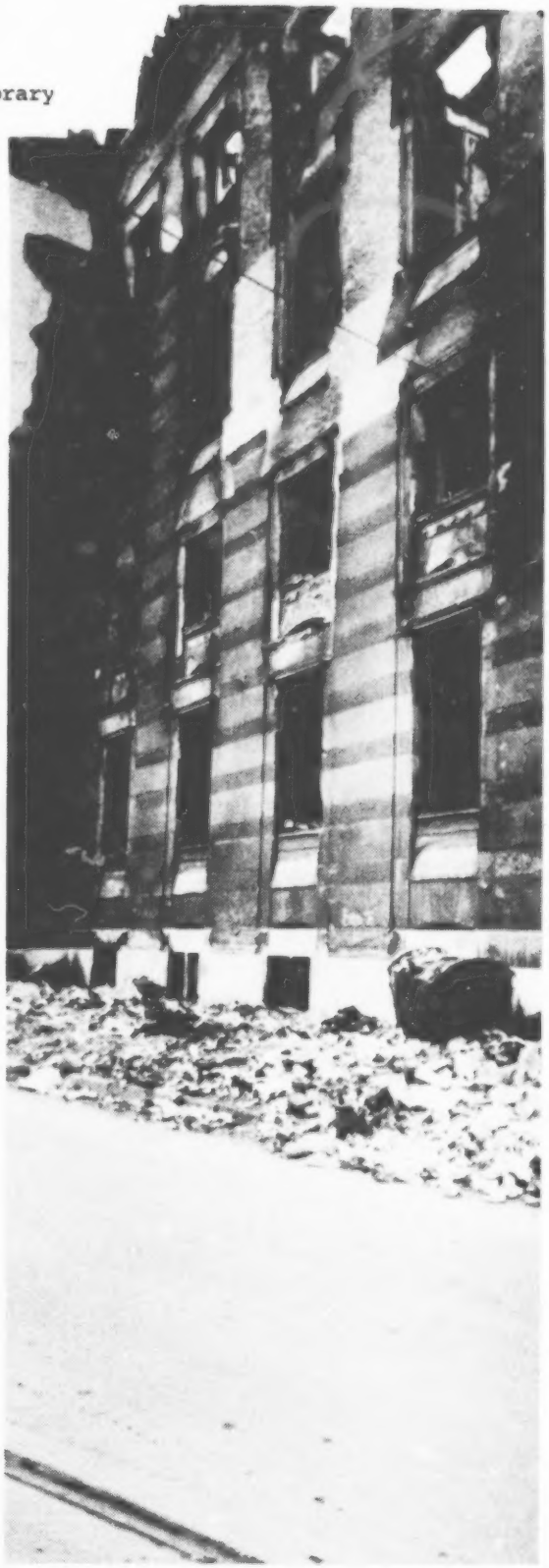
City Hall and National and University Library



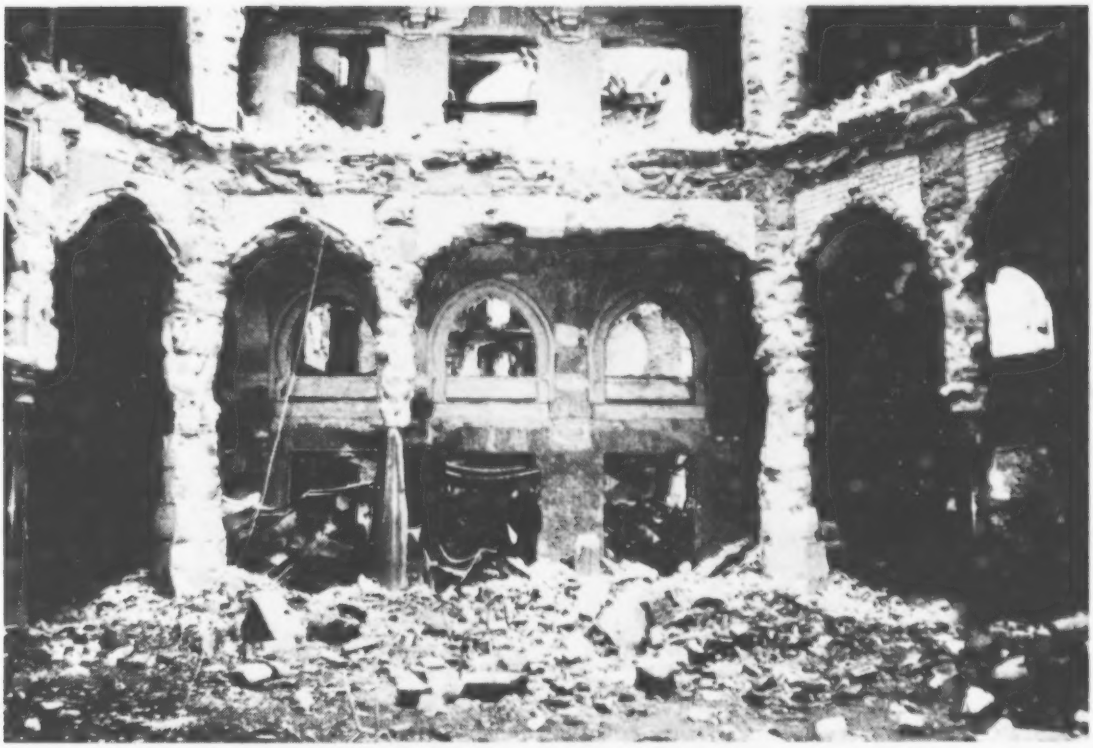
City Hall and National and University Library

City Hall and National and University Library





City Hall and National and University Library (interior)



City Hall and National and University Library (interior)

City Hall and National and University Library

The Museum of the XIV Winter Olympic Games. During the night of 25 April 1992, the museum, located in a famous building dating from 1903, was shelled with three incendiary bombs and burned down shortly afterwards.

Museum of the XIV Winter Olympic Games

Museum of the XIV Winter Olympic Games

Museum of the XIV Winter Olympic Games

Museum of the XIV Winter Olympic Games

Museum of the XIV Winter Olympic Games

Gate in Vratnik

Fine Arts Academy

Franji Racki Square

VIII. BAŠČARŠIJA AND OLD TOWN

Shelling of the Old Town and Baščaršija appears in the Chronology of the battle and siege of Sarajevo on the following dates:

(1992): 06.04.; 08.04.; 23.04.; 29.04.; 01.05.; 02.05.; 02.05.; 03.05.; 24.05.; 29.05.; 07.06.; 12.06.; 19.06.; 04.07.; 06.07.; 14.07.; 17.07.; 18.07.; 20.07.; 29.07.; 30.07.; 12.08.; 13.08.; 21.08.; 22.08.; 08.09.; 14.09.; 16.09.; 17.09.; 18.09.; 29.09.; 04.10.; 05.10.; 13.10.; 23.10.; 24.10.; 25.10.; 29.10.; 31.10.; 03.11.; 04.11.; 09.11.; 17.11.; 22.11.; 24.11.; 25.11.; 05.12.; 06.12.; 14.12.; 19.12.; 29.12.; 30.12.

(1993): 13.01.; 14.01.; 17.01.; 22.01.; 24.01.; 25.01.; 26.01.; 29.01.; 11.02.; 16.02.; 23.02.; 28.02.; 01.03.; 21.03.; 01.05.; 06.05.; 29.05.; 31.05.; 10.06.; 19.06.; 12.07.; 24.08.; 24.08.; 14.09.; 19.09.; 30.09.; 16.10.; 19.10.; 23.10.

(1994): 04.01.; 24.01.; 05.02.

Baščaršija is a commercial, trade and catering center of oriental expression, just as its name says (Persian cazsu, a bazaar on the crossing of four roads). It is the historical nucleus of the city, 14 acres large and five hundred years old, a cultural monument.

The network of streets in the Old Sarajevo Čaršija (the commercial quarter of the town) is one of the specific features of the complex. In an urban sense, it remained almost unchanged for more than 450 years, with all characteristics of modern town planning: the streets leading out of the town (Kovaci, Samardžije, and Sagrdžije) main streets (Baščaršija, Saraci Abadžiluk, Titova, and Gazi Husrev Begova) and traffic (other streets). In order to meet the requirements of a large and modern Čaršija, new streets were added, respecting the existing ones. The outline of traffic roads was made and implemented according to the plan. The shops were lined towards streets, while various monumental buildings were left in the background.

In 1895, Baščaršija was proposed for inclusion into the UNESCO list of the universal heritage. As far as is known, the proposal has been put on the preliminary list.

POLOŽAJ STARE SARAJEVSKE ČARŠIJE U ISTORIJSKOM PODRČJU GRADA

LOCATION OF THE OLD ČARŠIJA OF SARAJEVO IN THE HISTORICAL PART OF THE TOWN.

1. NOMINIRANO DOBRO - STARA ČARŠIJA
2. ZAŠTIĆENE ARHITEKTONSKO URBANE SPOMENIČKE CJELINE
3. EVIDENTIRANE ARHITEKTONSKE URBANE SPOMENIČKE CJELINE

026753

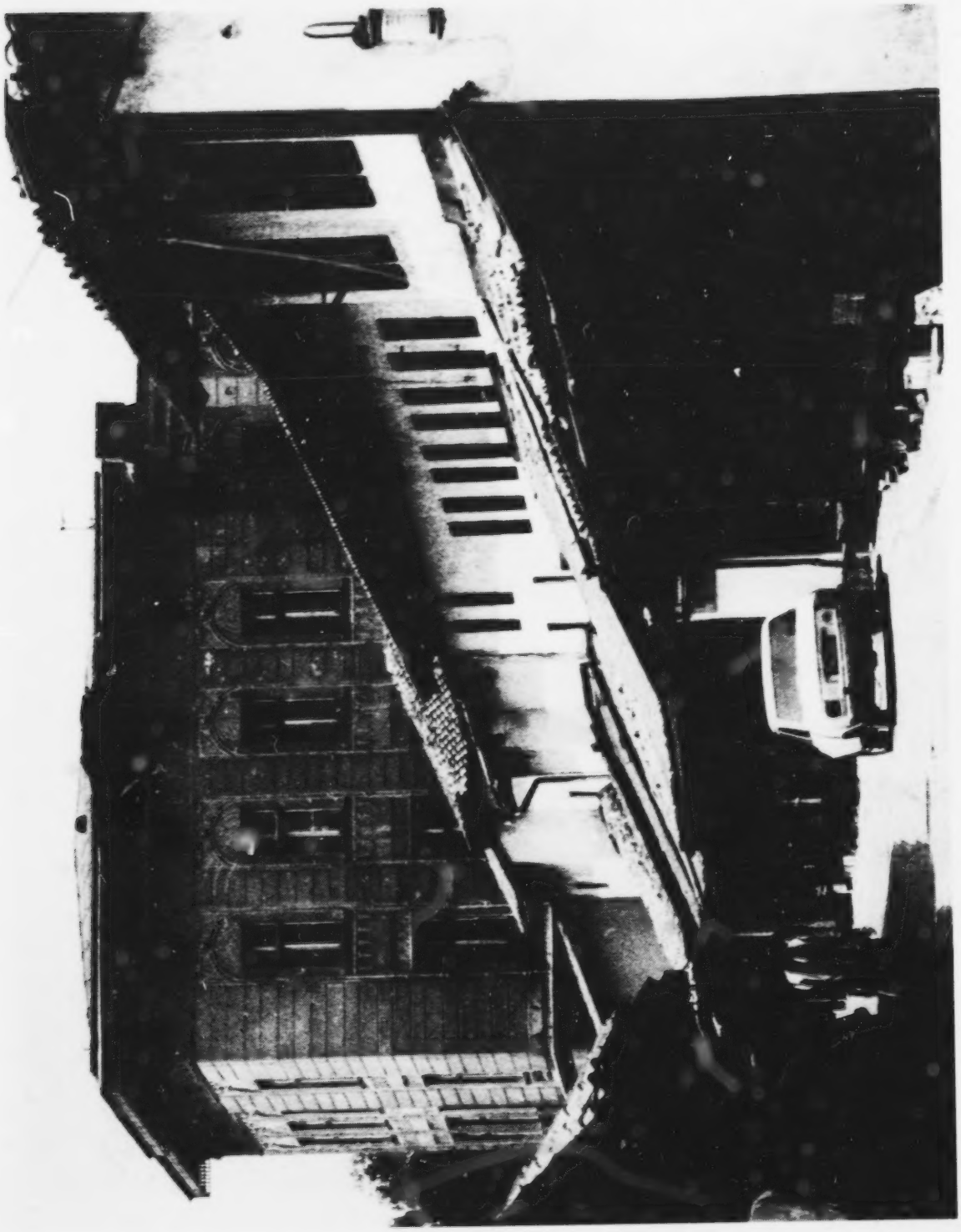
1. NOMINATED MONUMENTAL COMPLEX OF THE OLD BAŠČARŠIJA.
2. PROTECTED ARCHITECTURAL AND URBAN MONUMENTAL COMPLEXES.
3. REGISTERED ARCHITECTURAL AND URBAN MONUMENTAL COMPLEXEC.

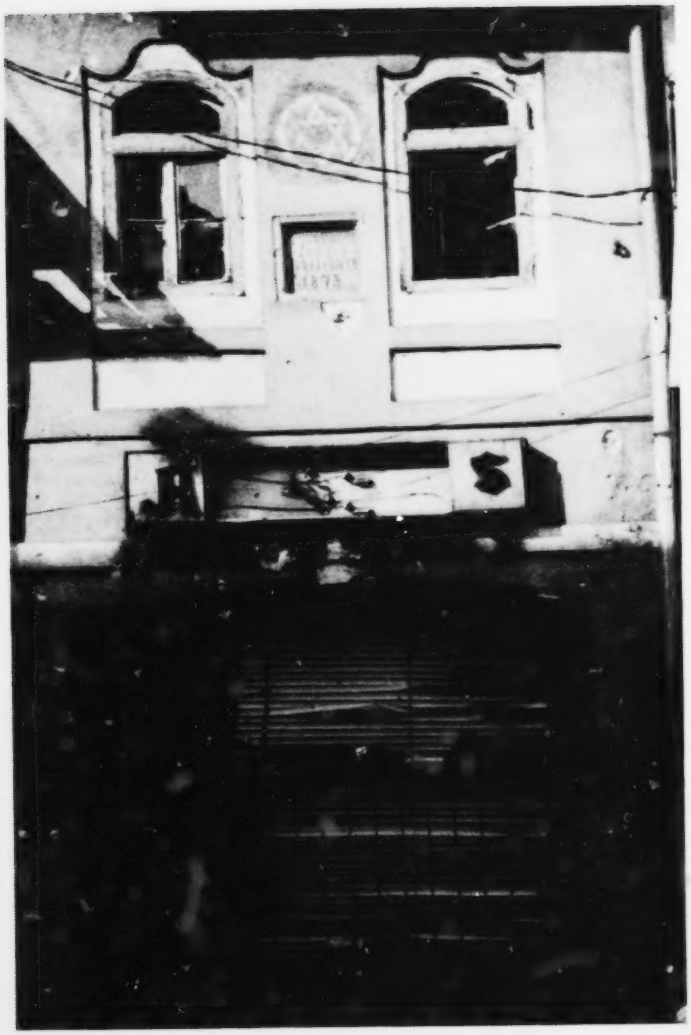
STARA SARAJEVSKA ČARŠIJA
SA MARKIRANIM OBJEKTIMA
MONUMENTALNE ARHITEKTURE

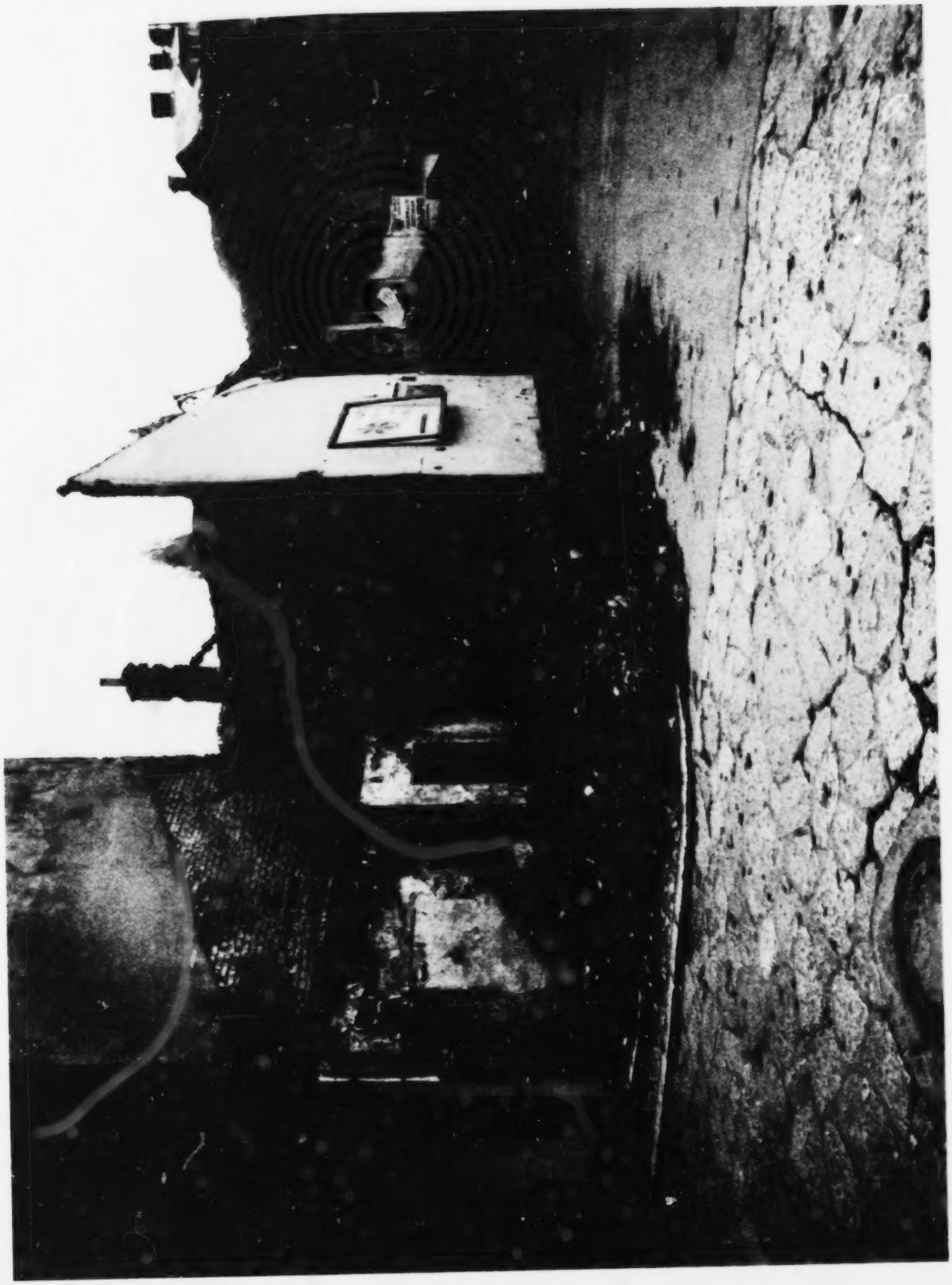
THE OLD ČARŠIJA OF SARAJEVO
WITH MARQUED BUILDINGS OF
MONUMENTAL ARCHITECHURE

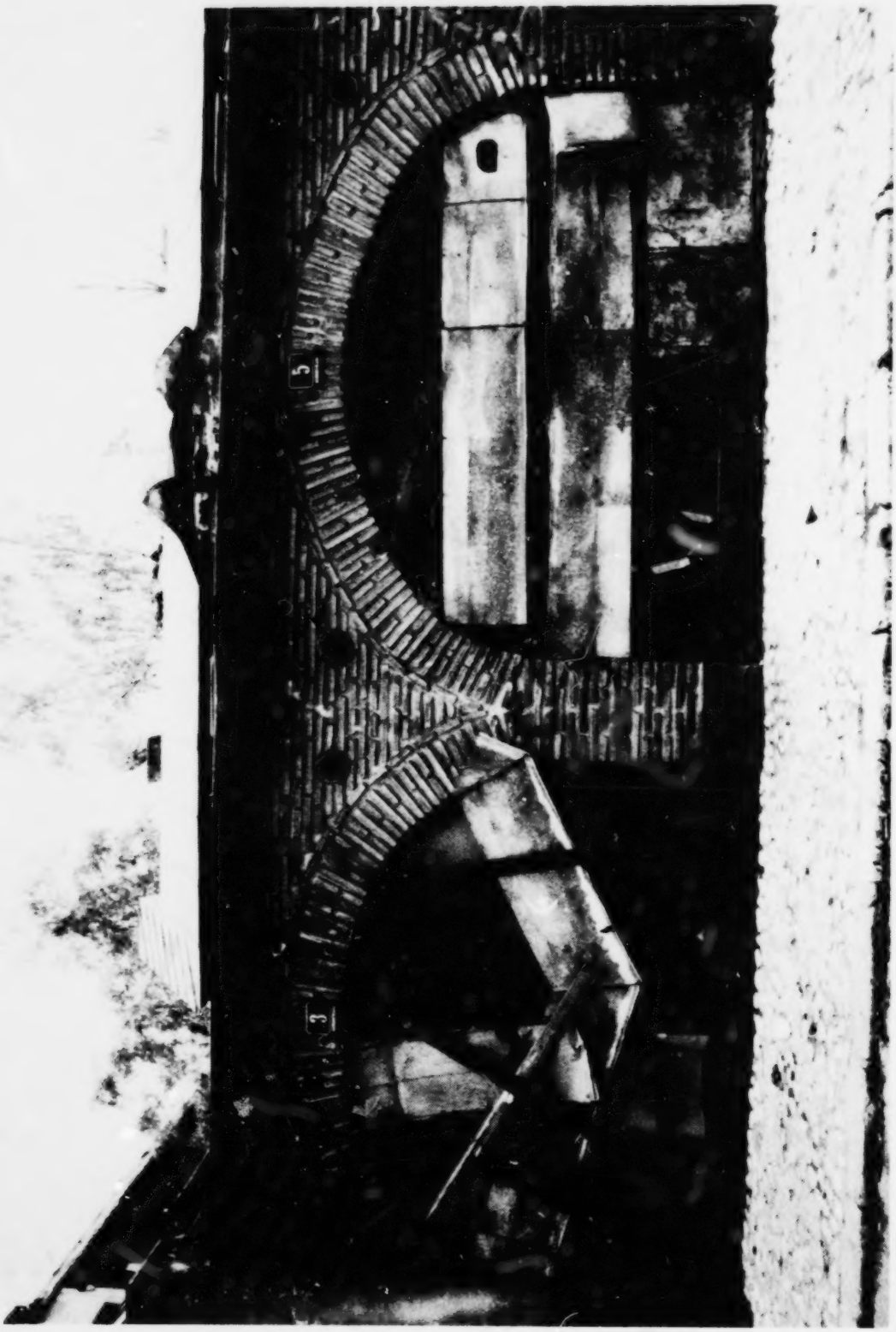
026754

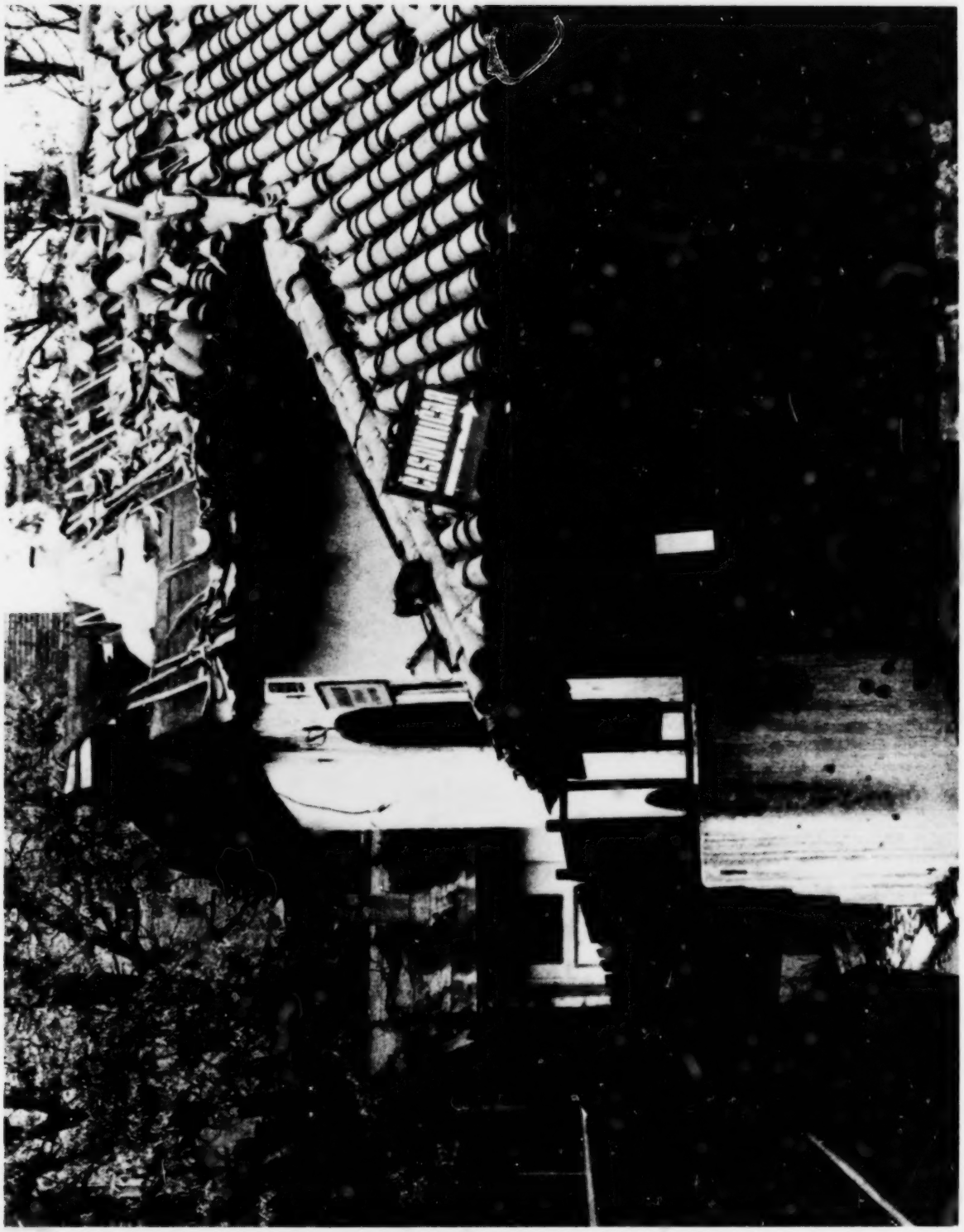
Islamic Theological Faculty










HENNINGSEN

Vase Miškina Street "Breadline Incident"

Vase Miškina Street "Breadline Incident"

Vase Miškina Street "Breadline Incident"

Market Place Massacre on 5 February 1994

Market Place Massacre on 5 February 1994

IX. SCHOOLS

Veselin Maslesa Primary School

Gymnasium

Franjo Klurz Primary School

Student Dormitory in Nedžarići

Textil School

Institute for History

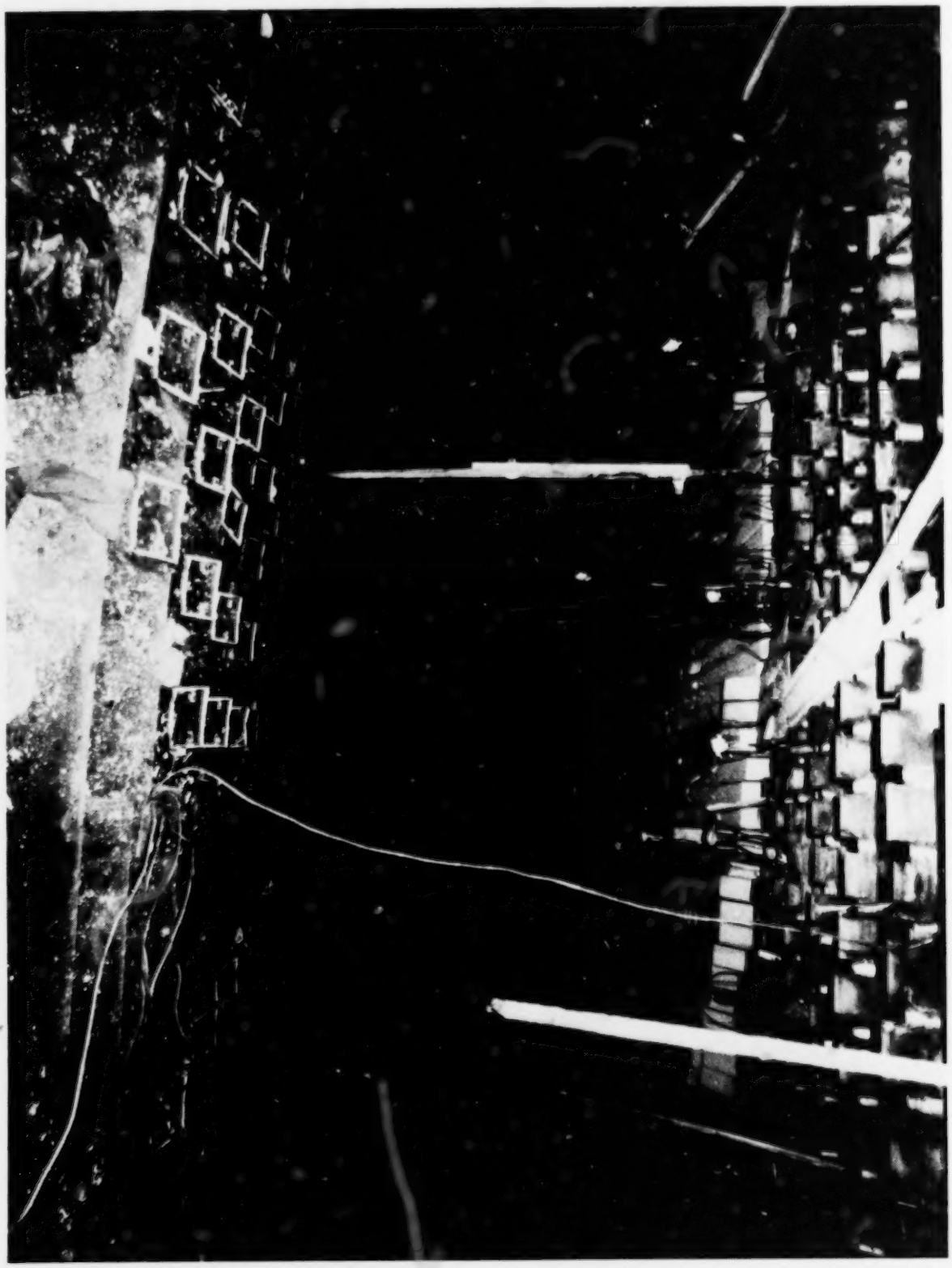
University Building

Student Dormitory in Bjelava

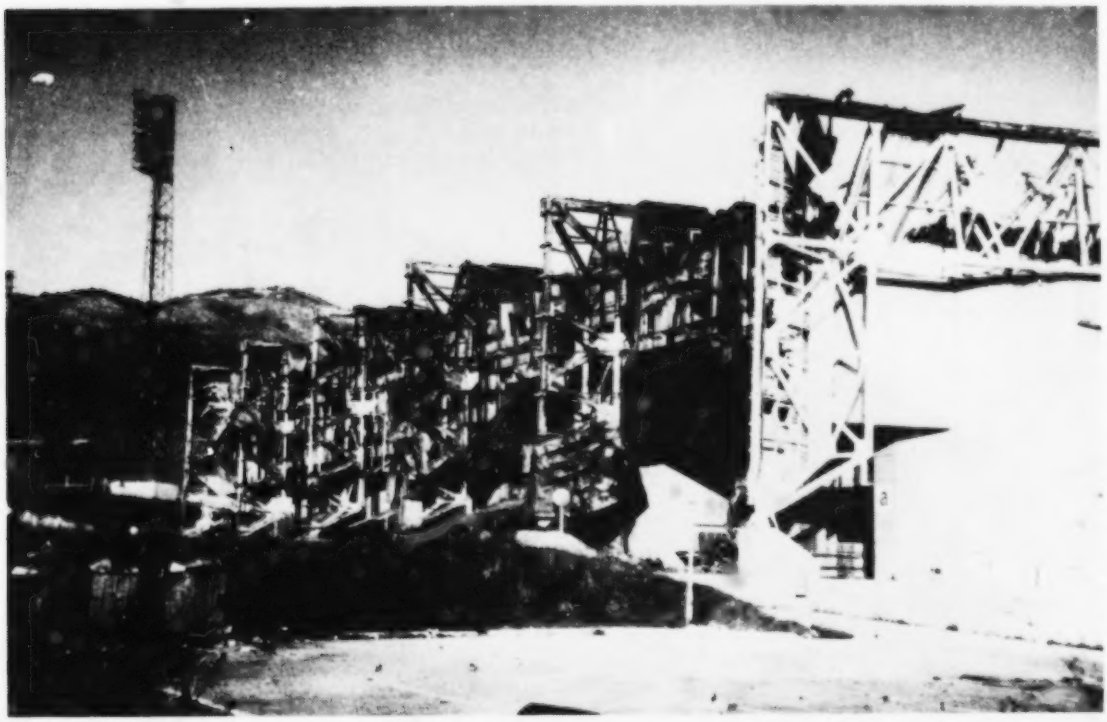
Student Dormitory

X. THE OLYMPIC CENTER

The Olympic Center "Skenderija", situated on the left bank of the river Miljacka, was a commercial, cultural, and sports center. The whole structure of 70,000 meters, and the usable space amounts to 50,000 meters. The 39,200 square meter roof has been totally destroyed. Four fires demolished the whole Youth Center Dancing Hall from the roof to the foundation. Between May 1992 and February 1993, the center reportedly was bombarded continuously (about 300 bombs). The damage is estimated at 65% to 70%, amounting to $8,360,000 US.



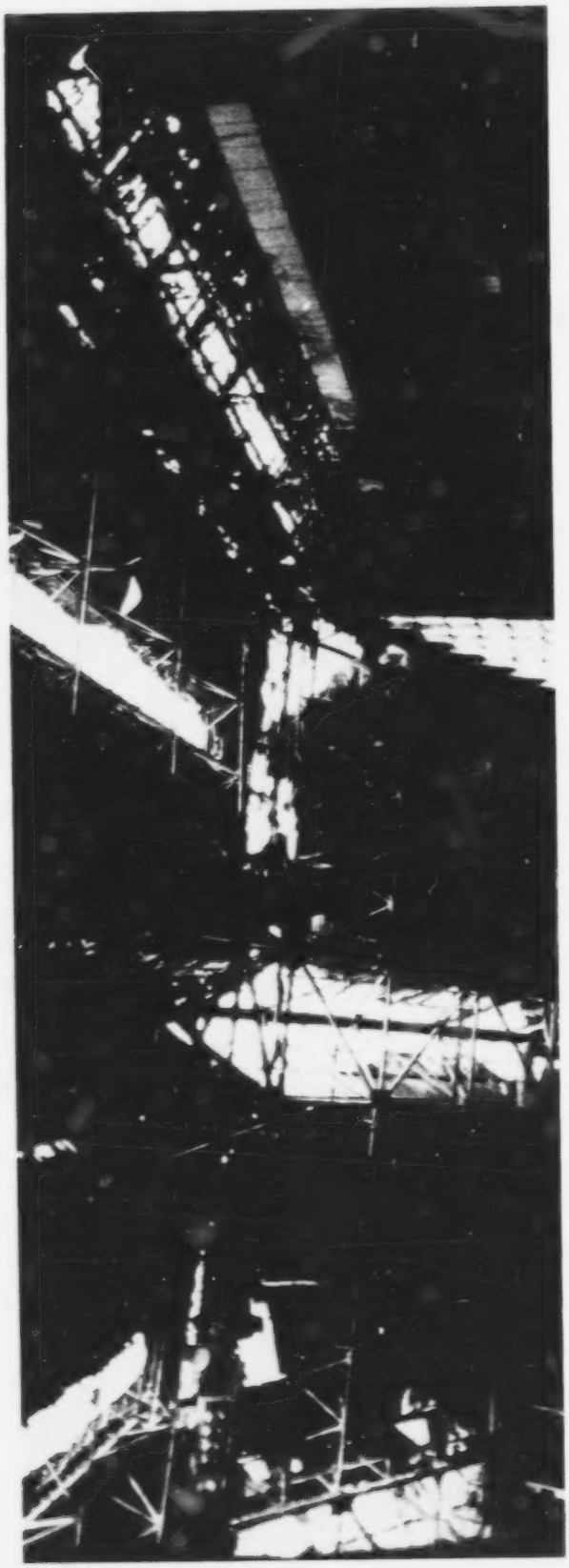
The Olympic Complex "Zetra" is located on Djure Djakovic Streen No. bb..
Through May 1993, the complex was reportedly shelled 350 times



Zetra

Zetra

Zetra



Mojmilo Olympic Hall

Mojmilo Olympic Hall

XI. RESIDENTIAL AREAS

Private House in Sokolje

Sokolje Settlement

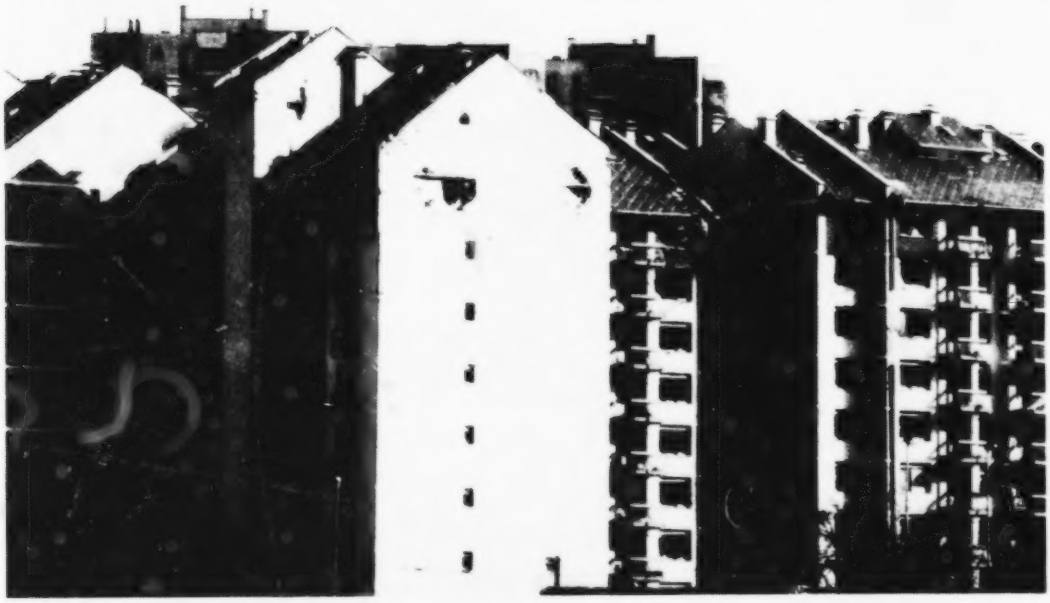
Naselje Sokolje

Naselje Sokolje

Pofalići Settlement

Mojmilo Settlement

Vojničko Polje Area



Ciglane Settlement

Danijel Ozmo Street

Private House in Vratnik

Breka Settlement

Naselje Buča Potok

Naselje Velešići

Nedžarići-Dobrinja Road

XII. HRASNO AREA

Shelling of the Hrasno Area appears in the Chronology of the Battle and siege of Sarajevo on the following dates:

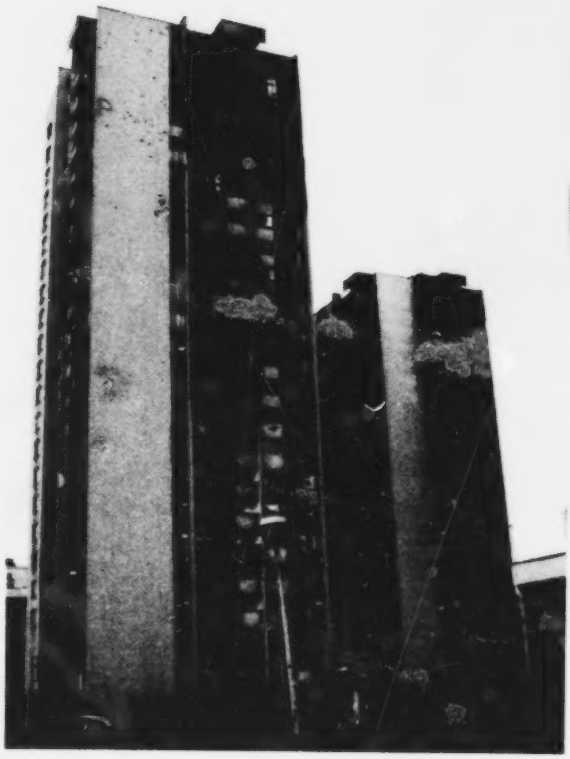
(1992): 25.07.; 28.07.; 29.08.; 14.09.; 17.09.; 20.09.; 21.09.; 23.09.; 26.09.; 05.10.; 07.10.; 18.10.; 25.10.; 03.11.; 20.11.; 24.11.

(1993): 01.01.; 06.01.; 13.01.; 14.01.; 22.01.; 23.01.; 26.01.; 27.01.; 02.02.; 05.02.; 28.10.; 06.12.

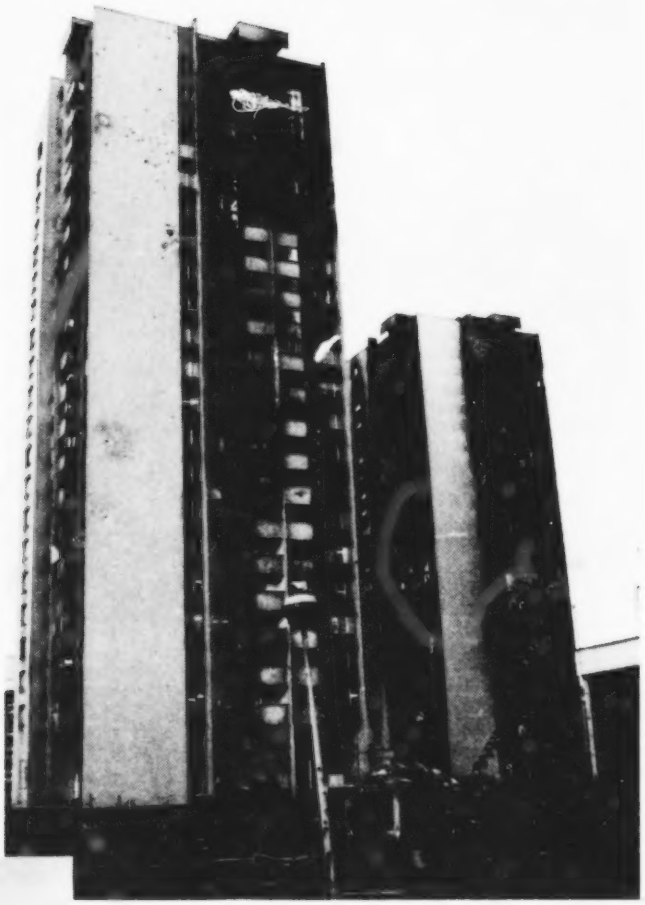
Hrasno

Hrasno

Hrasno

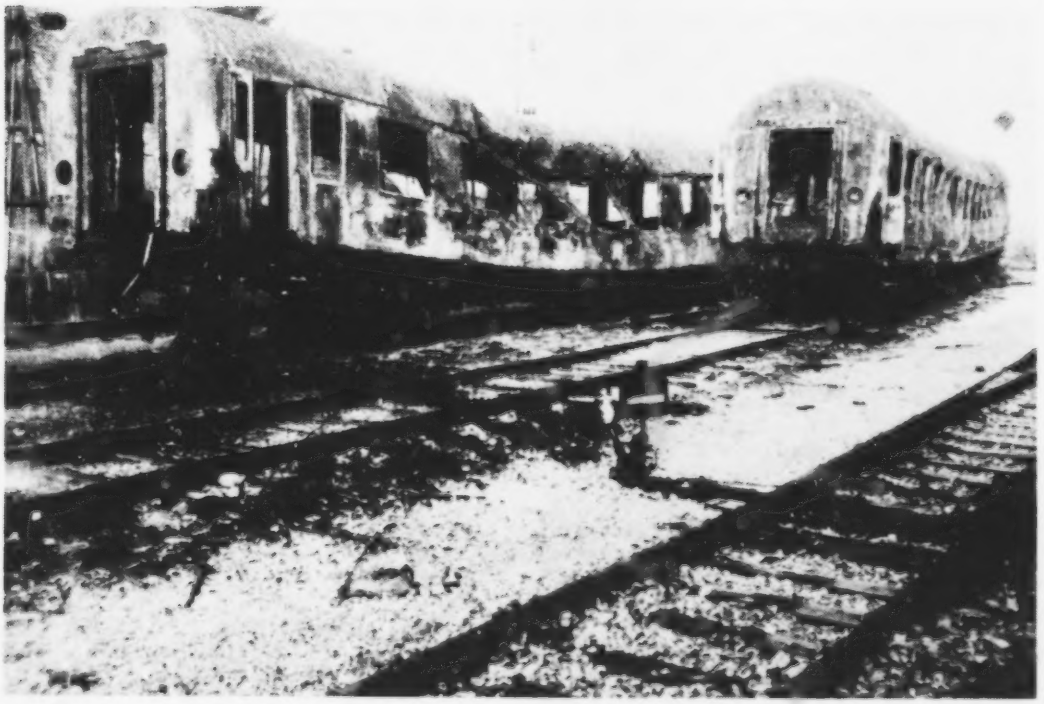


Hrasno

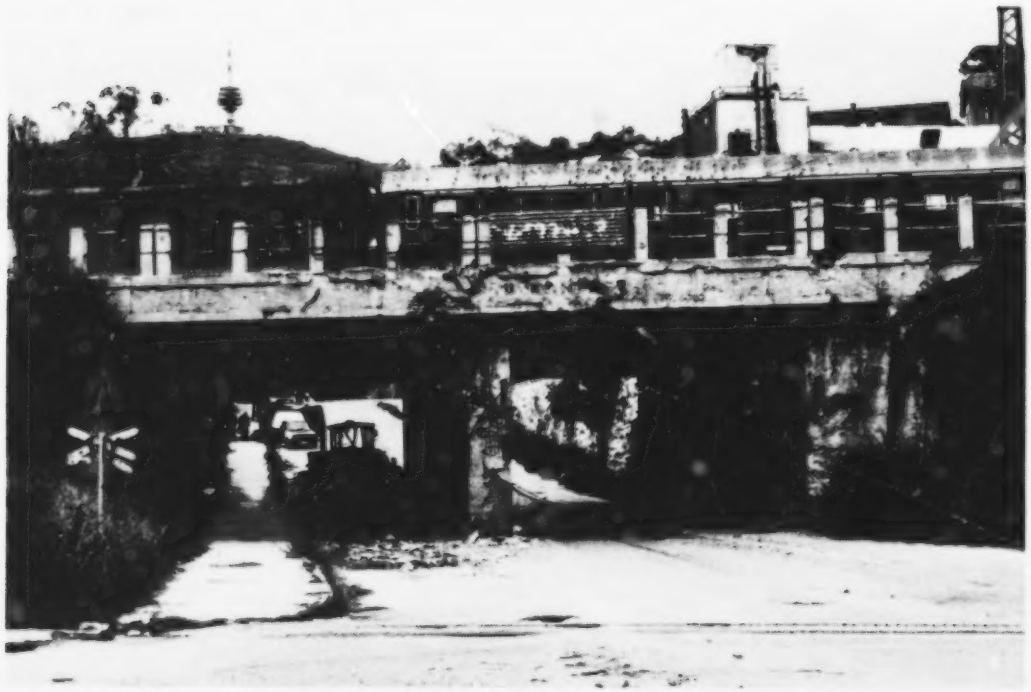


XIII. PUBLIC FACILITIES

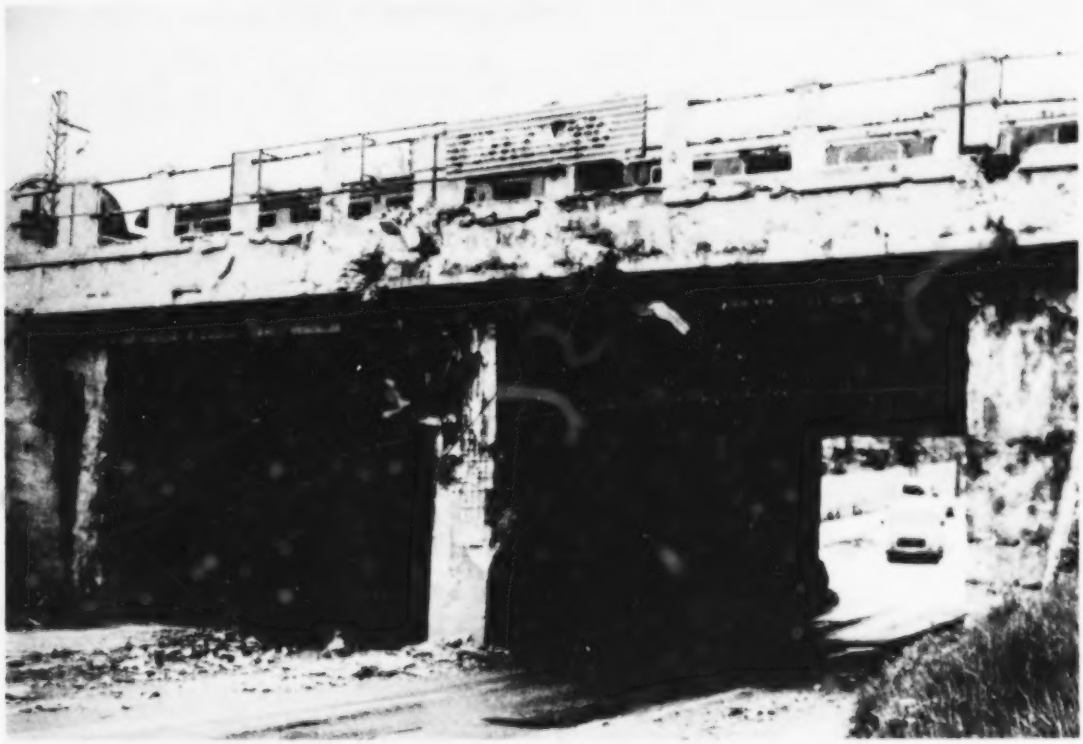
Railway Station



Railway Bridge in Pofalići



Railway Bridge in Pofalići



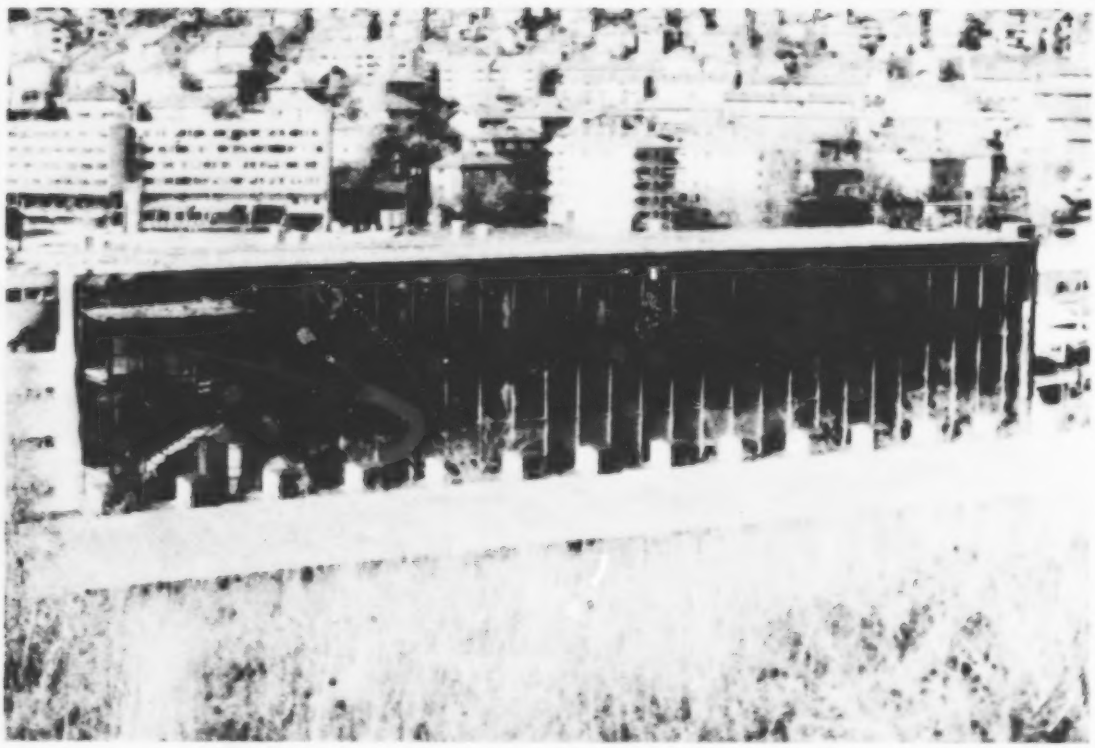
The "JP Gras" Public Transportation Firm was founded in 1885. Since then, the firm worked continuously until the was broke out in April 1992. Since early April 1992, the Public transportation capacity has reportedly been destroyed. The damage done to the transportation infrastructure ranges from 20% to 100%. The damage caused to the transportation network is estimated at 30% to 60%.

JP Gras

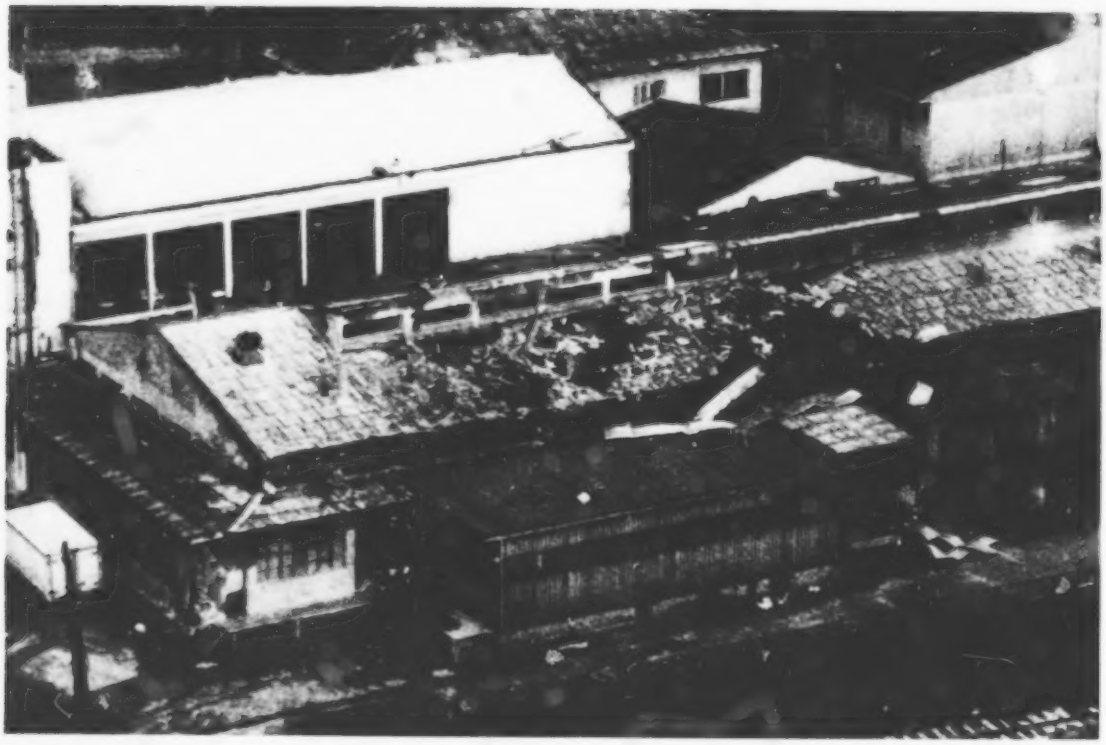
JP Gras

XIV. PRIVATE INDUSTRY

Alhos Factory



Dairy Factory



Tobacco Factory

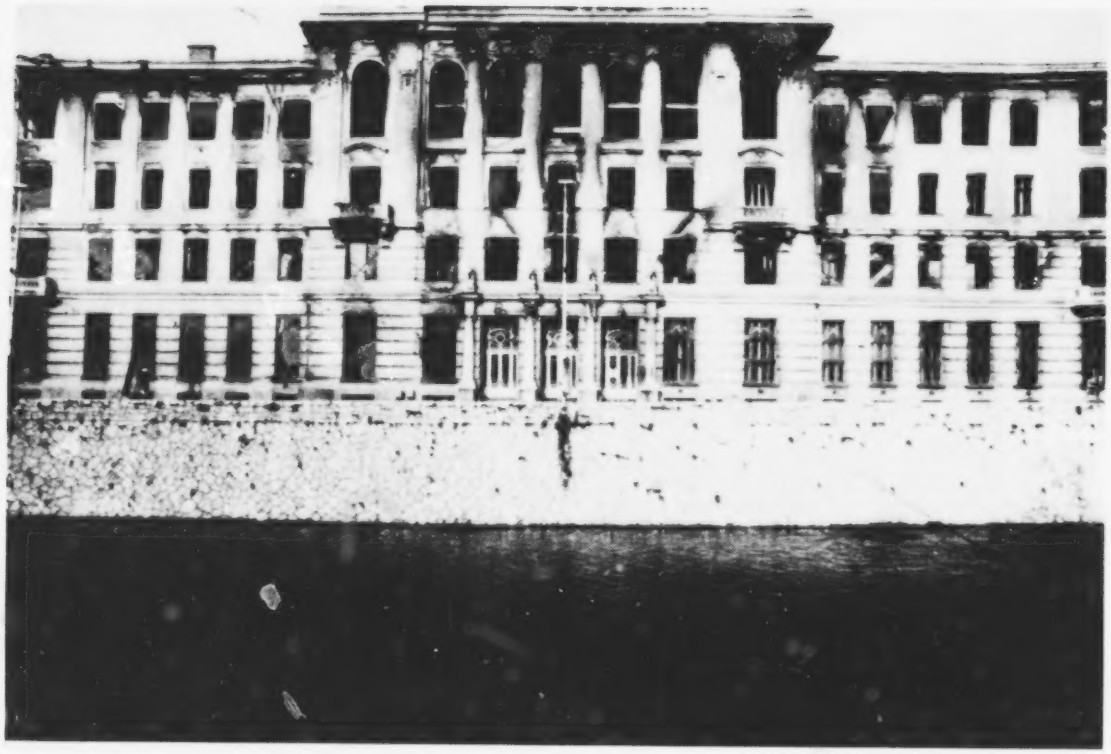
XV. PUBLIC BUILDINGS

Old Tobacco Factory

The Main Post Office Building, designed by the architect Josip Vankas and built in the style of the Secession, was opened in 1918.

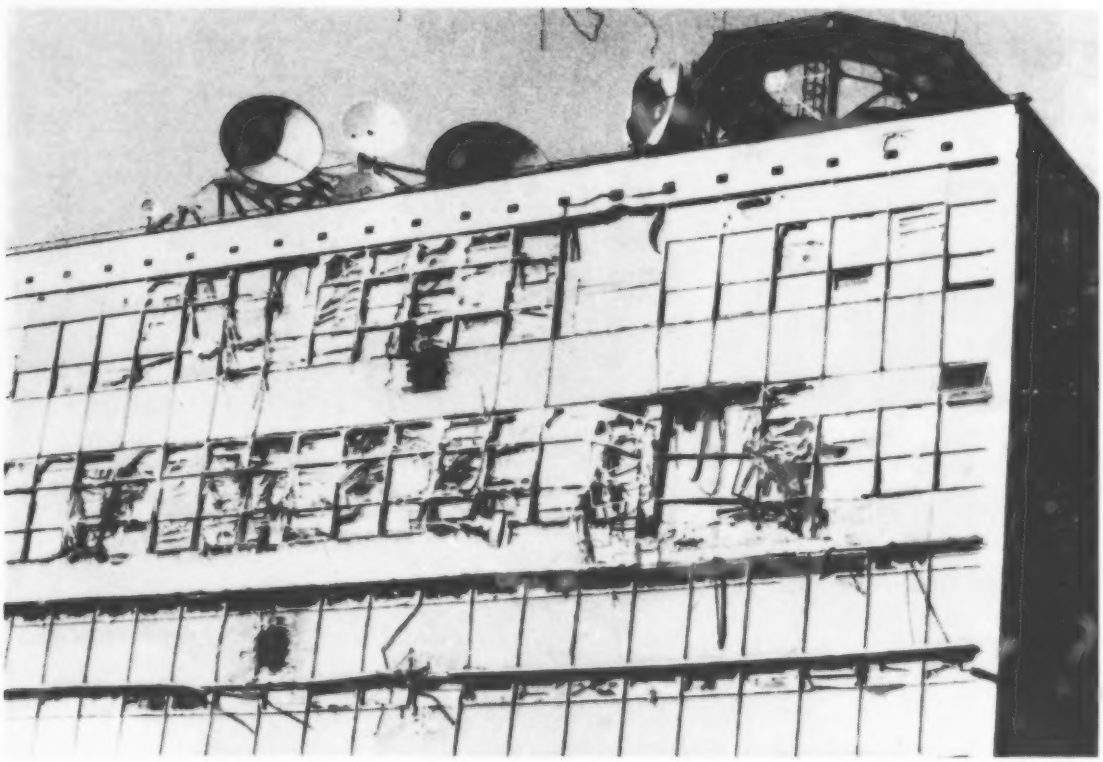
Main Post Office

Main Post Office



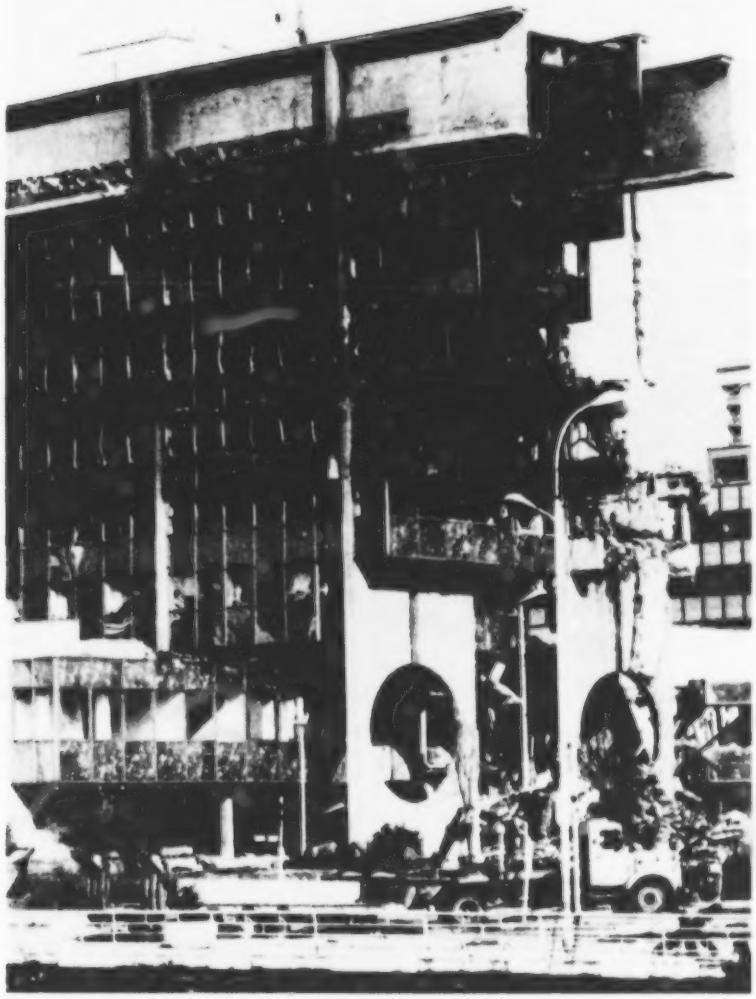
Main Post Office (interior)

Post Office in Dolac Malta

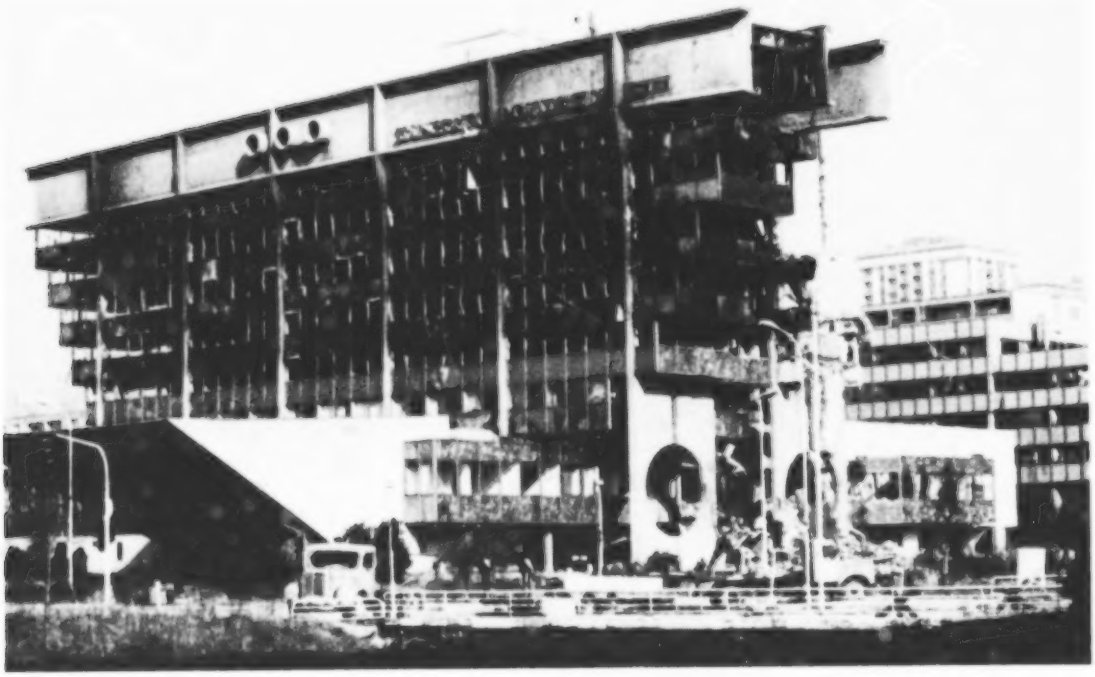


Zemaljski Museum

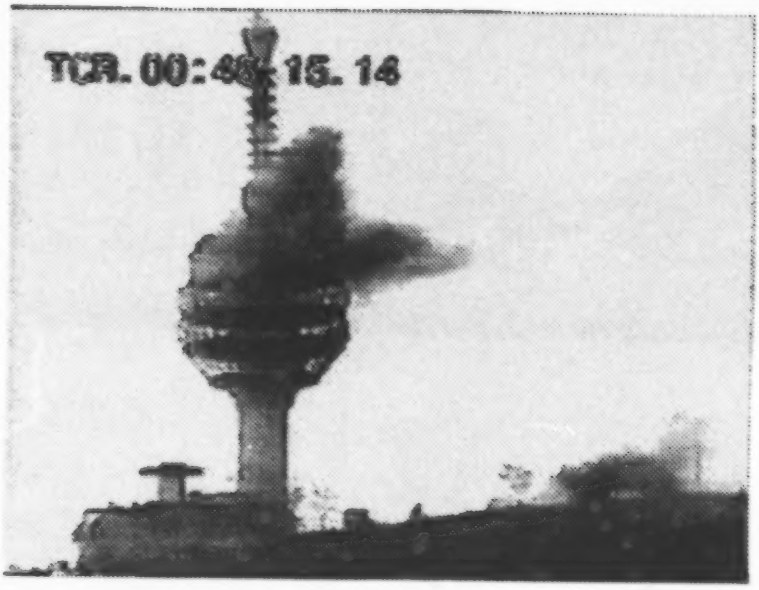
Elektroprivreda



Elektroprivreda



Television Tower on Hum Hill

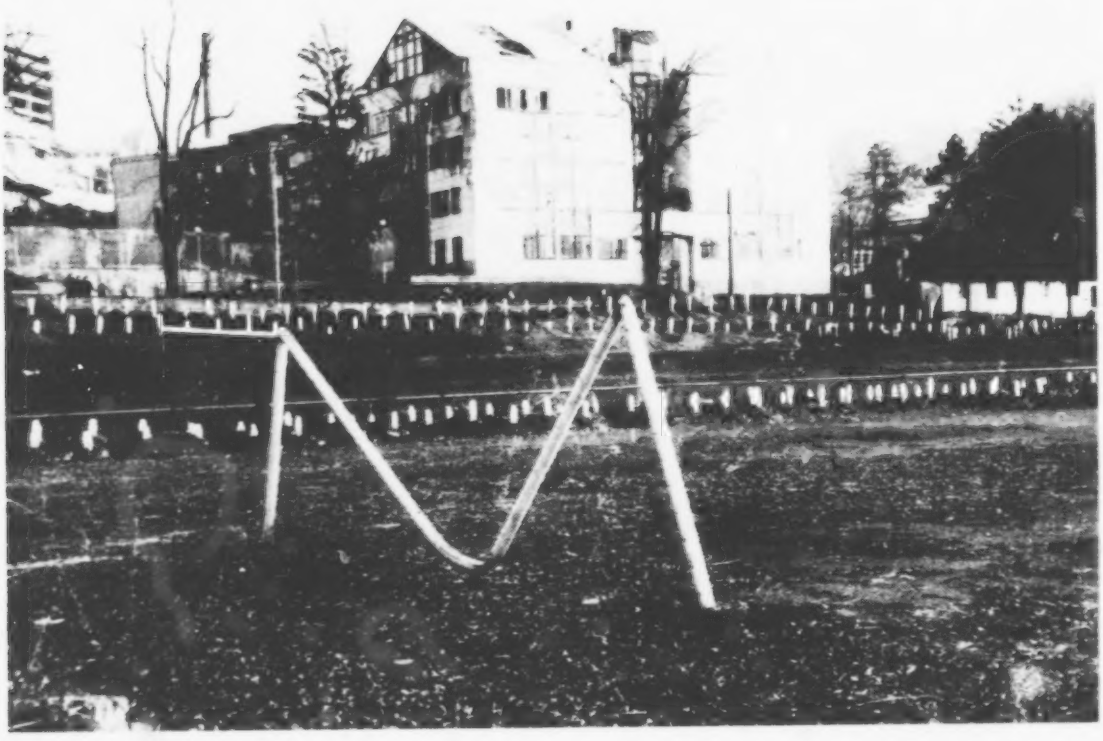


XVI. NEW CEMETERIES

Cemetery of Šeheti Kovači

Catholic Cemetery

Stadium Cemetery



New Cemetery at Zetra

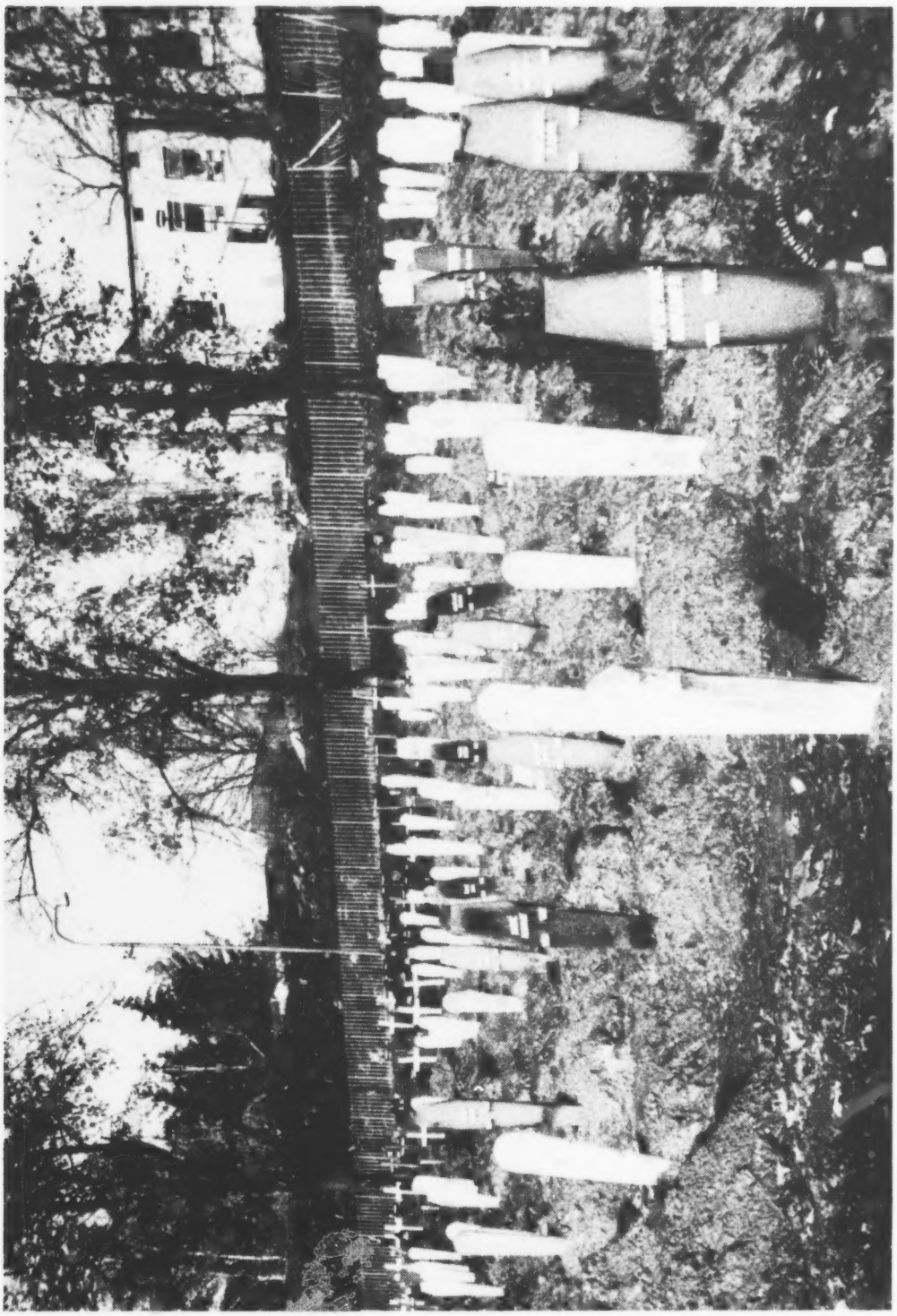
New Cemetery at Zetra

Gradskog Chapel, Bare Cemetery

Lav Cemetery

Lav Cemetery

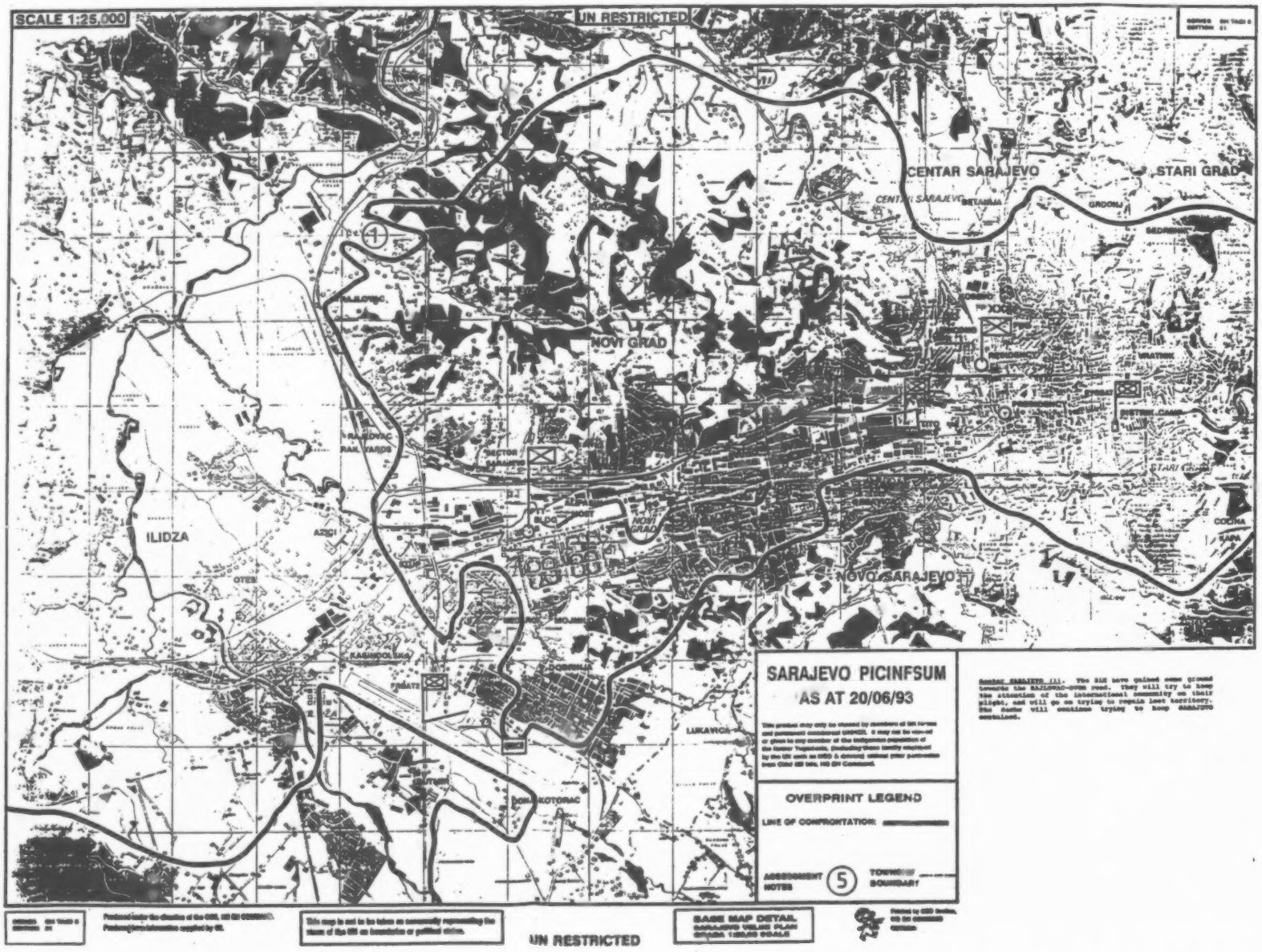
Lav Cemetery

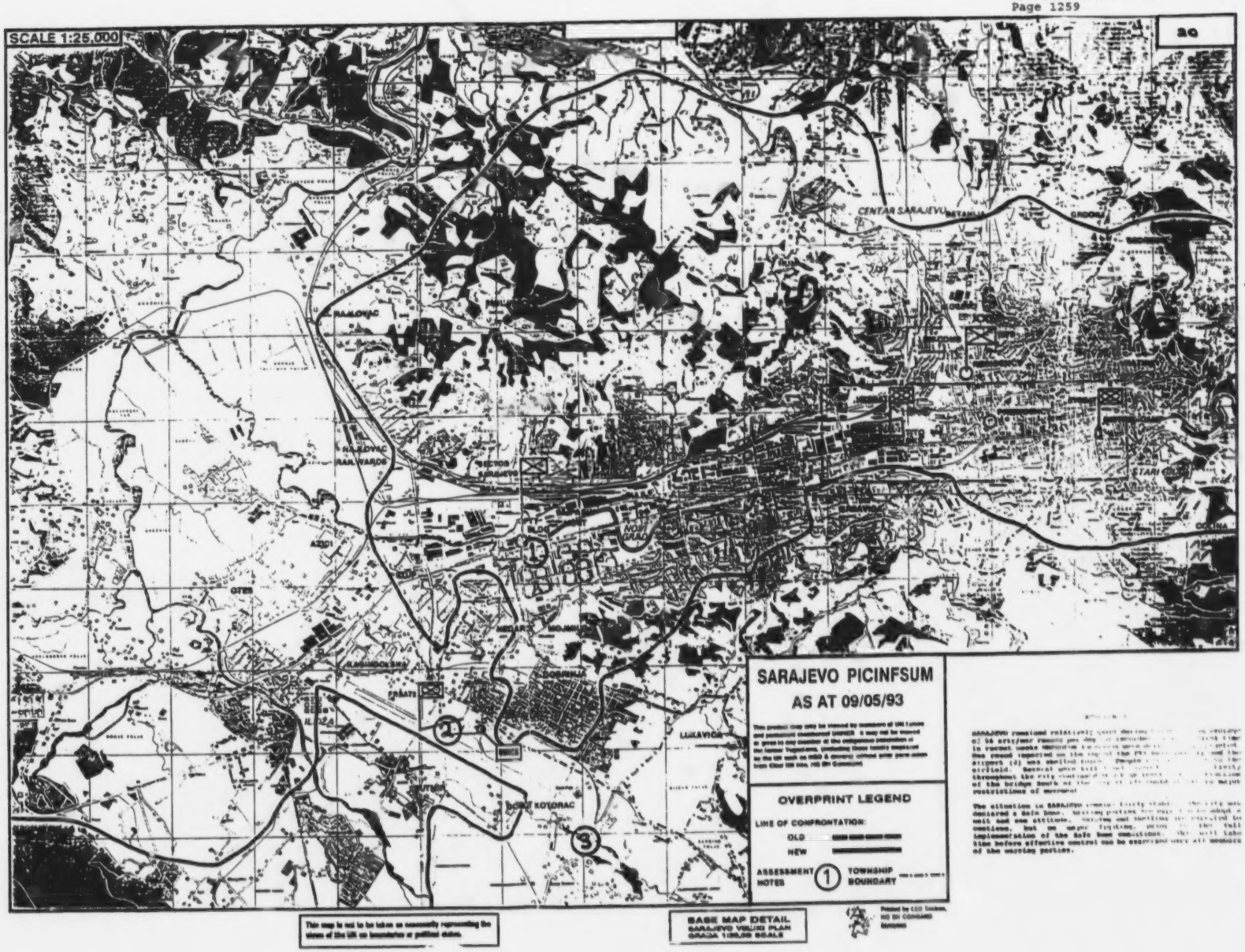


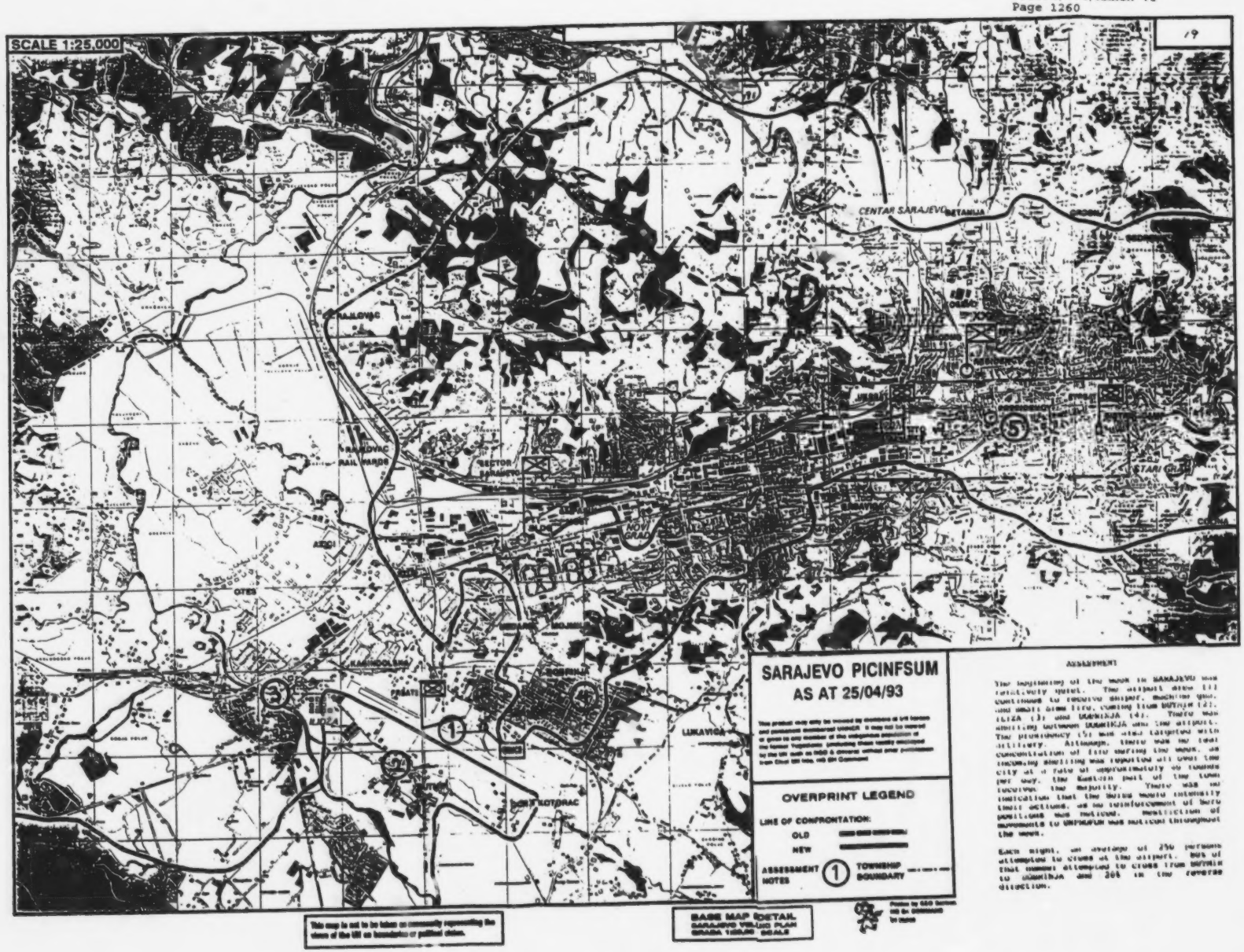
Appendix 7

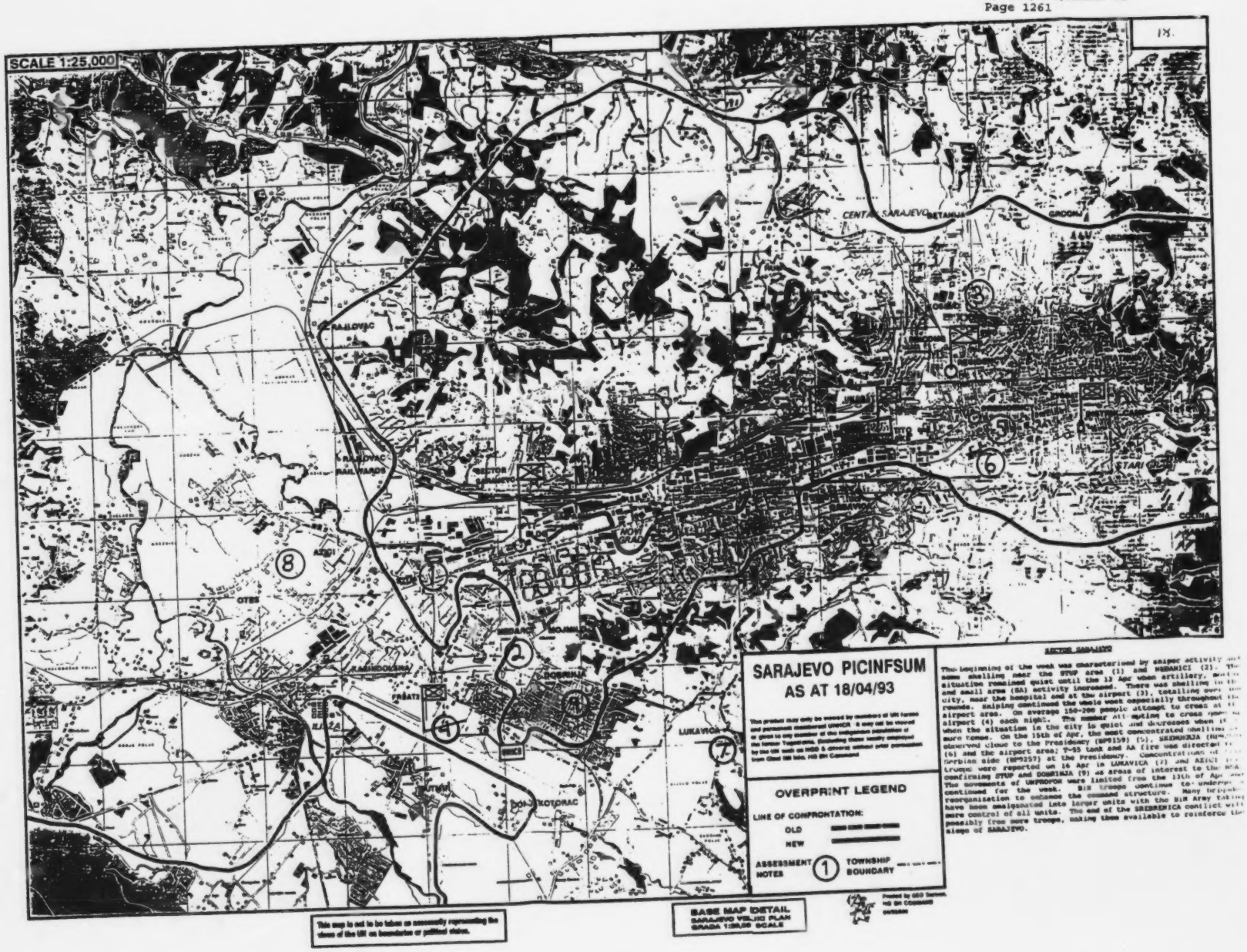
UNPROFOR HQ BH COMMAND SARAJEVO PICINFSUM, CONTAINING BATTLE DETAILED MAPS OF THE SARAJEVO AREA FOR THE FOLLOWING DATES:

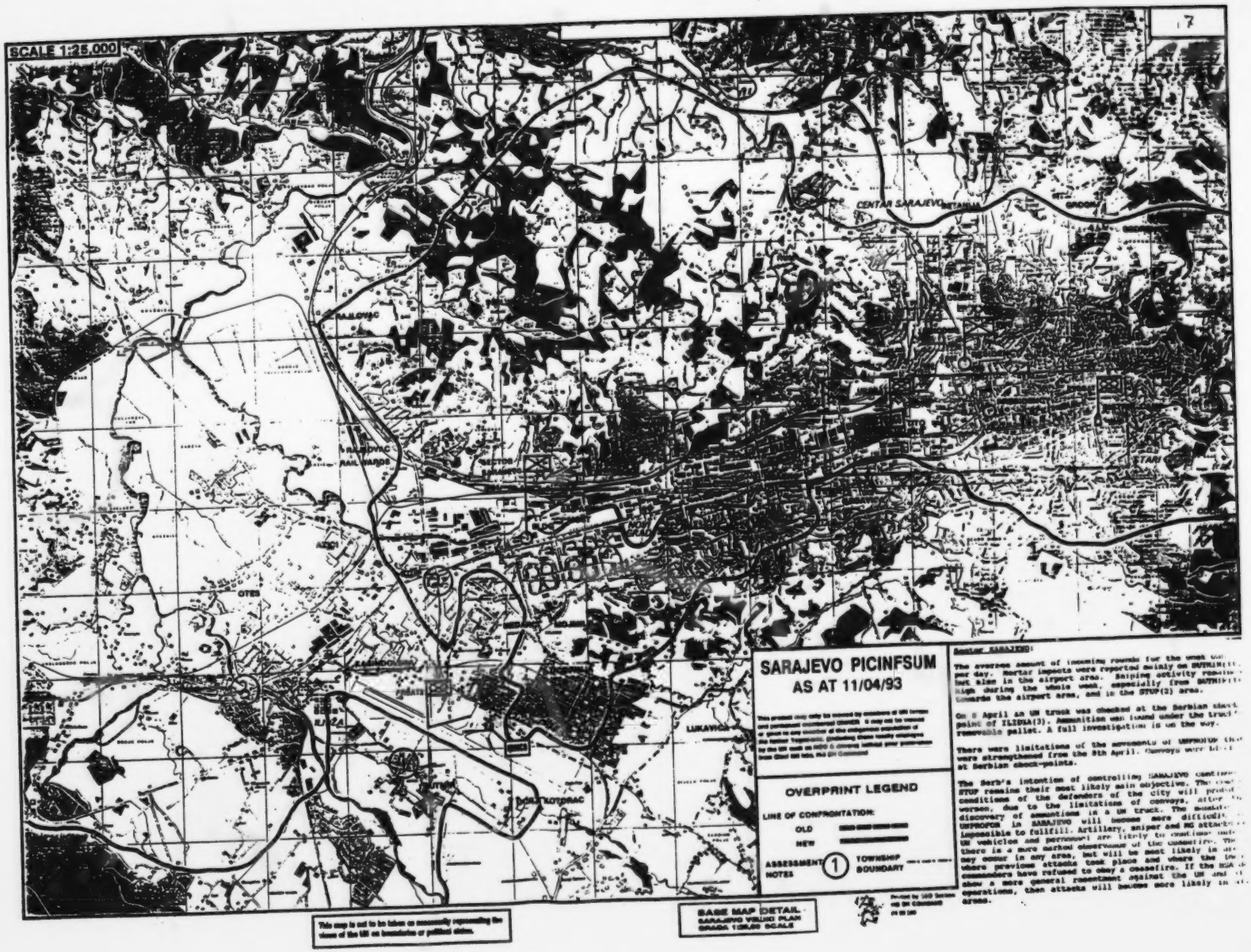
20/6/93; 9/5/93;25/4/93; 18/4/93; 11/4/93; 28/3/93; 21/3/93; 20/3/93; 14/3/93; 7/3/93; 28/2/93; 21/2/93; 14/2/93; 7/2/93; 24/1/93; 17/1/93; 10/1/93; 3/1/93; 27/12/92; 20/12/92; 12/12/92.

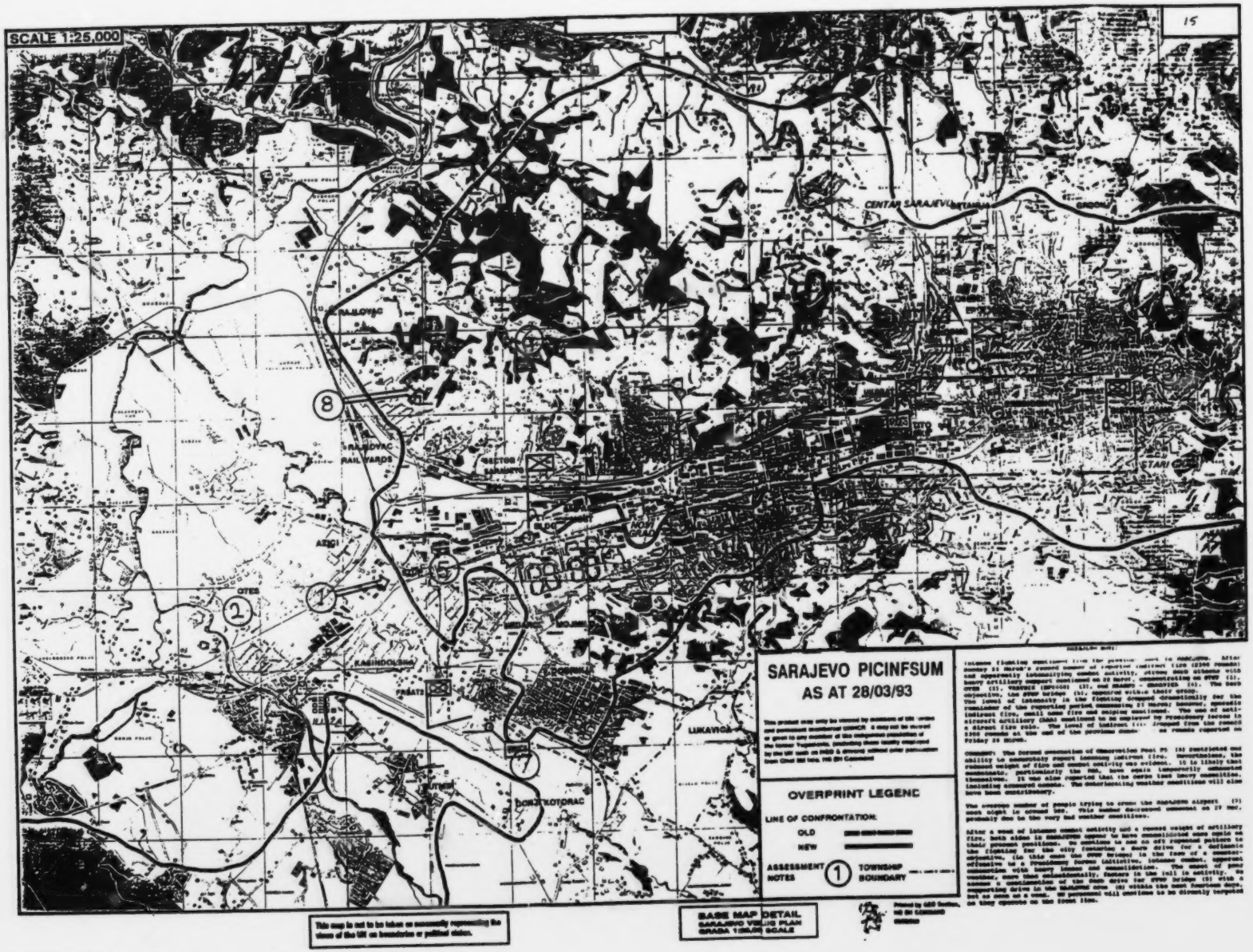

SCALE 1:25,000
UN RESTRICTED
CENTAR SARAJEVO
STARI GRAD
NOVI GRAD
ILIDZA
NOVO SARAJEVO
LUKAVICA
SARAJEVO PICINFSUM
AS AT 20/06/93
OVERPRINT LEGEND
LINE OF CONFRONTATION
ASSESSMENT NOTES
5
TOWNSHIP BOUNDARY
UN RESTRICTED

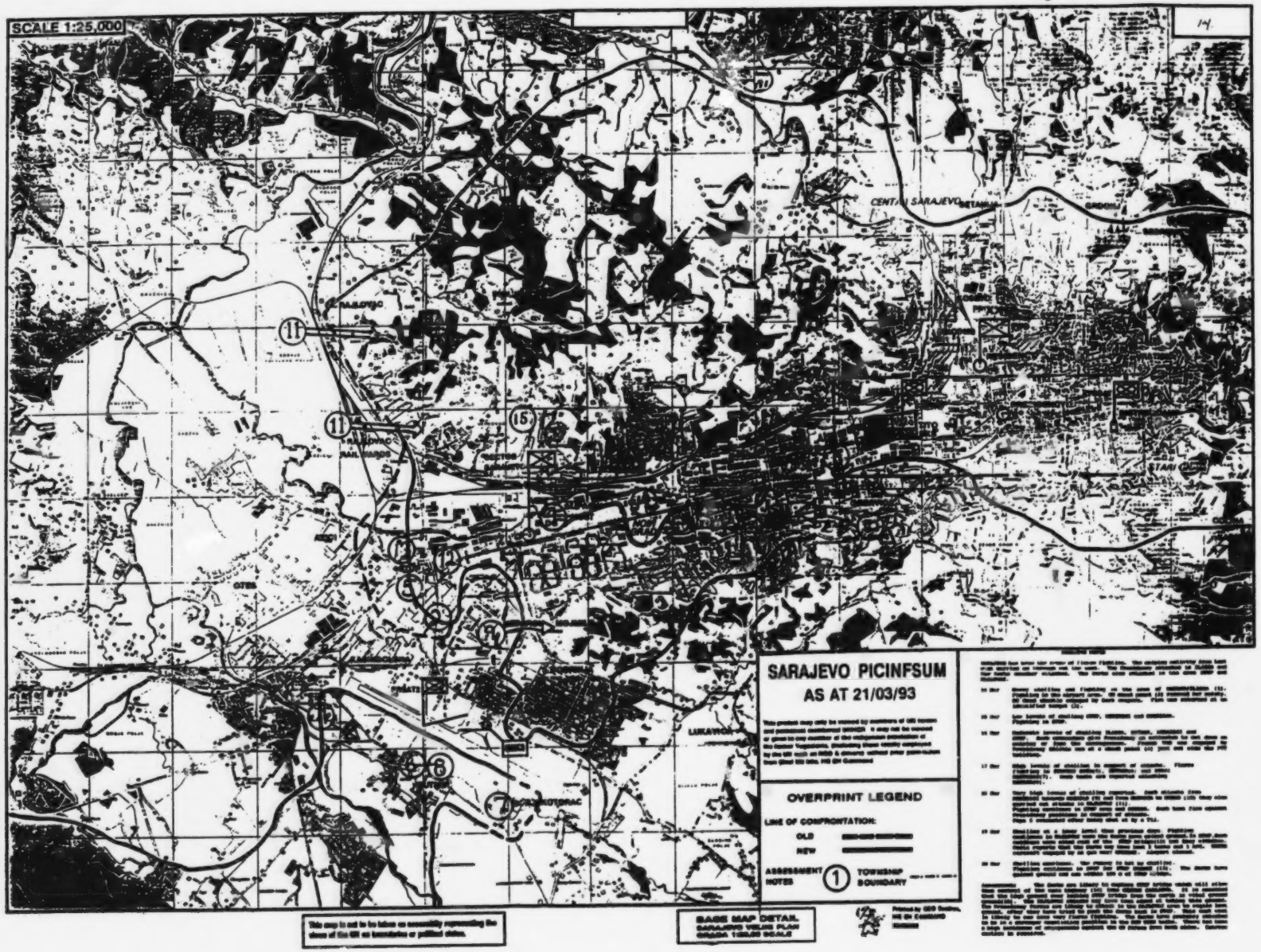

SCALE 1:25,000
20
CENTAR SARAJEVO
RAJLOVAC
NOVO SARAJEVO
STARI GRAD
OTES
ILIJAVICA
DONJI KOTORAC
SARAJEVO PICINFSUM
AS AT 09/05/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
TOWNSHIP BOUNDARY
BASE MAP DETAIL
SARAJEVO VIELIS PLAN
GRADA 1:20,000 SCALE

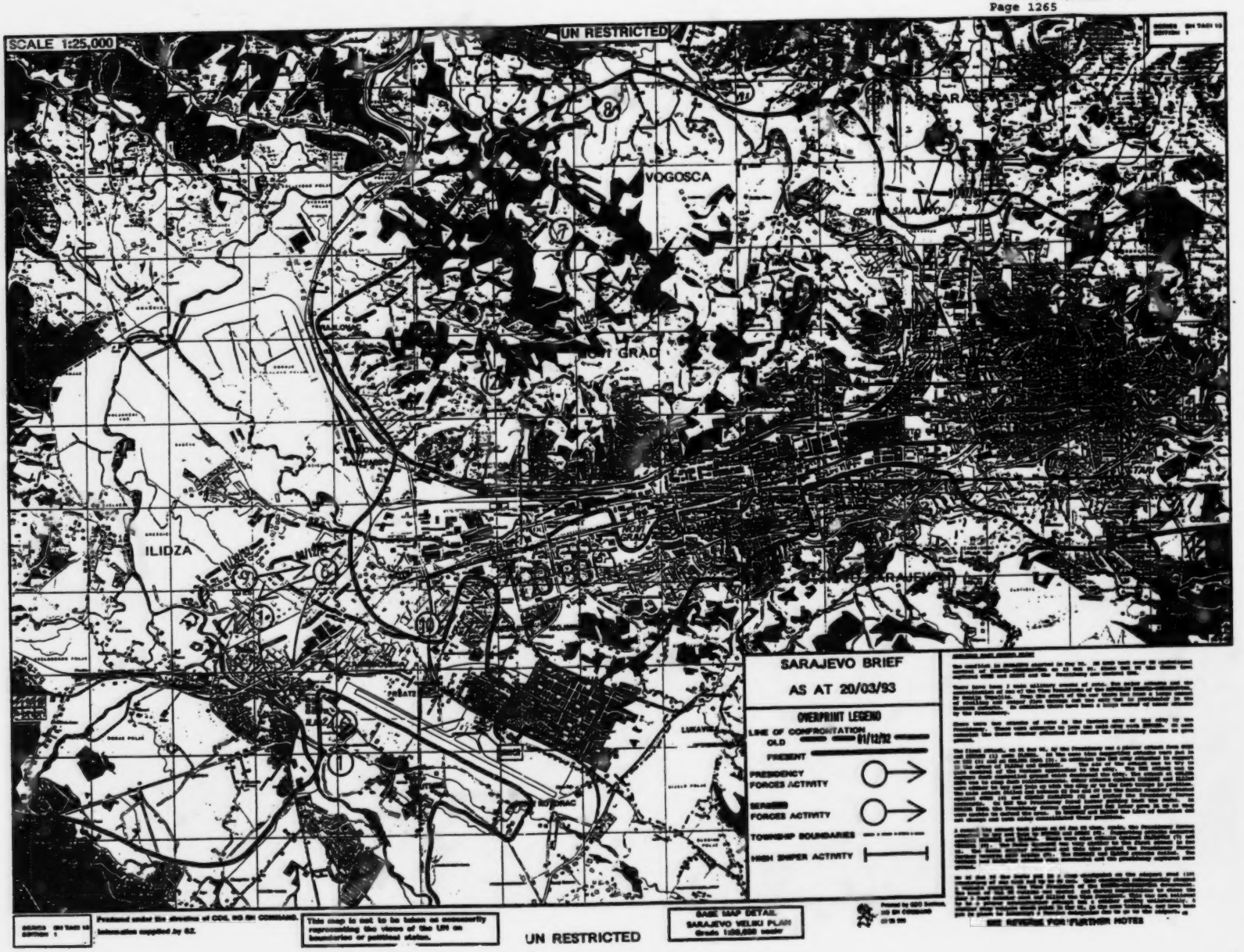

SCALE 1:25,000
19
CENTAR SARAJEVO
OTES
LUKAVICA
SARAJEVO PICINFSUM
AS AT 25/04/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
TOWNSHIP BOUNDARY
ASSESSMENT
The beginning of the week in SARAJEVO was relatively quiet. The airport area (1) continues to receive sniper, machine gun, and small arms fire, coming from DOBRINJA (2), ILIDZA (3) and GRBAVICA (4). There was shelling between GRBAVICA and the airport. The presidency (5) was also targeted with artillery. Although there was no real concentration of fire during the week, an increasing shelling was reported all over the city at a rate of approximately 60 rounds per day, the eastern part of the town received the majority. There was no indication that the Serbs would intensify their actions, as no reinforcement of Serb positions was noticed. Restriction of movements to UNPROFOR was noticed throughout the week.
Each night, an average of 250 persons attempted to cross at the airport. 80% of that number attempted to cross from SARAJEVO to GRBAVICA and 20% in the reverse direction.
This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.
BASE MAP (DETAIL)
SARAJEVO YELLOW PLAN
SCALE 1:25,000 SERIES

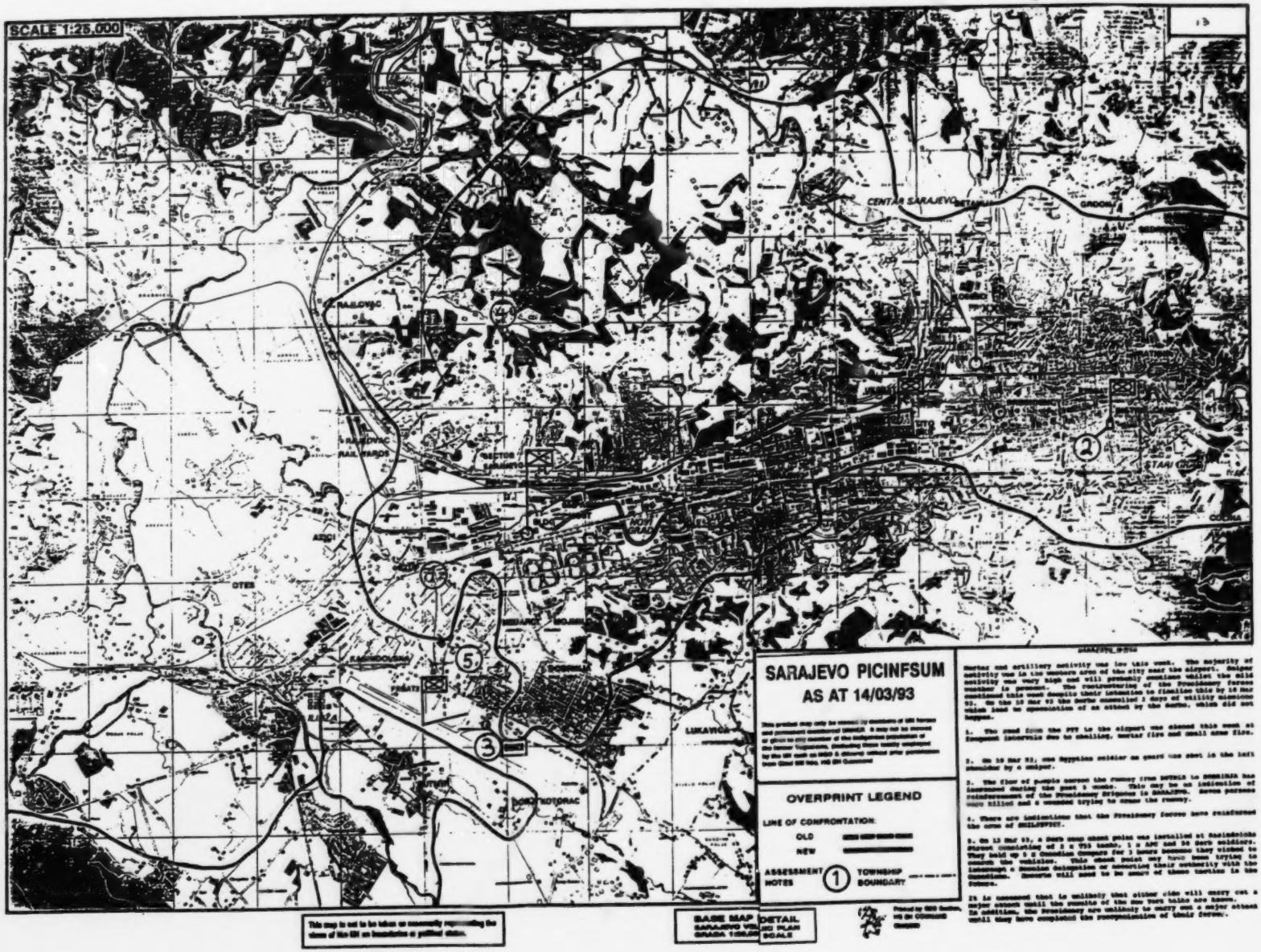

SCALE 1:25,000
SARAJEVO PICINFSUM
AS AT 18/04/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
TOWNSHIP BOUNDARY
SECTOR SARAJEVO
BASE MAP DETAIL
SARAJEVO VELIKI PLAN
GRADA 1:25,000 SCALE
This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.


SCALE 1:25,000
SARAJEVO PICINFSUM
AS AT 11/04/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
TOWNSHIP BOUNDARY
BASE MAP DETAIL
SARAJEVO VELIKI PLAN
GRADA 1:25,000 SCALE
CENTAR SARAJEVO
OTES
LUKAVICA
STARI


SCALE 1:25,000
15
SARAJEVO PICINFSUM
AS AT 28/03/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
TOWNSHIP BOUNDARY
BASE MAP DETAIL
SARAJEVO VELIS PLAN
GRADA 1:25,000 SCALE
CENTAR SARAJEVO
RAJLOVAC
RAJLOVAC RAIL YARDS
AZICI
OTES
KASINDOLSKA
LUKAVICA
DOBRINJA
STARI GRAD


SCALE 1:25,000
14
SARAJEVO PICINFSUM
AS AT 21/03/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
TOWNSHIP BOUNDARY
BASE MAP DETAIL


SCALE 1:25,000
UN RESTRICTED
VOGOSCA
ILIDZA
SARAJEVO BRIEF
AS AT 20/03/93
OVERPRINT LEGEND
LINE OF CONFRONTATION
OLD
01/12/92
PRESENT
PRESIDENCY FORCES ACTIVITY
SERBIAN FORCES ACTIVITY
TOWNSHIP BOUNDARIES
HIGH SNIPER ACTIVITY
BASE MAP DETAIL
SARAJEVO VELIKI PLAN
This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.
UN RESTRICTED
SEE REVERSE FOR FURTHER NOTES



Mortar and artillery activity was low this week. The majority of activity was in the western area of the city near the airport. Sniper activity was very high and will presently constrain whilst the mild weather is present. The reorganization of the Presidency forces continue this week. Despite their intention to finalise this by 10 Mar 93, on the 10 Mar 93 the Serbs executed 3 days of military exercises which led to speculation of an attack by the Serbs, which did not happen.

1. The road from the PTT to the airport was closed this week as frequent indirect fire is shelling, mortar fire and small arms fire.

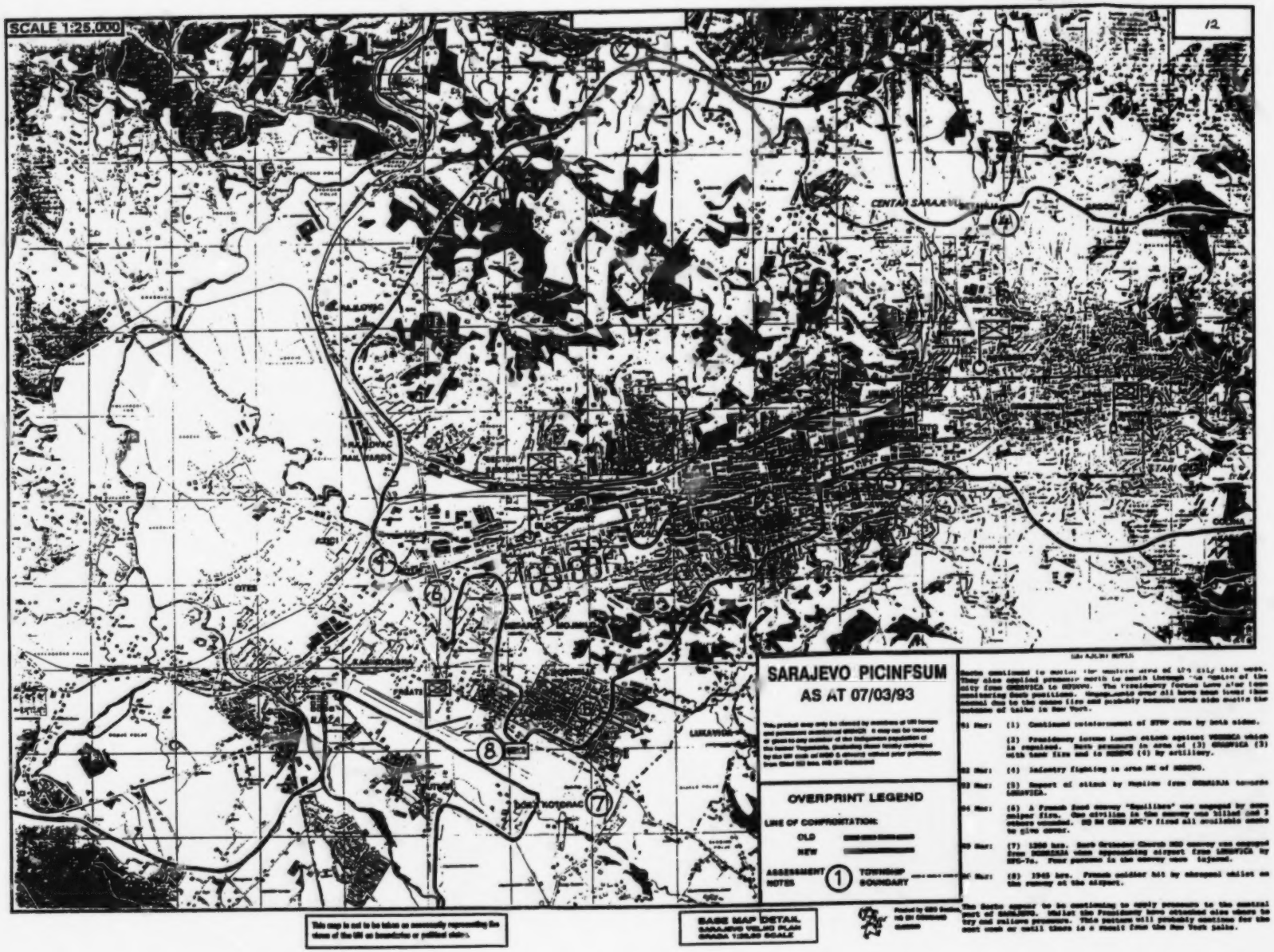
2. On 10 Mar 93, one Egyptian soldier on guard was shot in the left shoulder by a sniper.

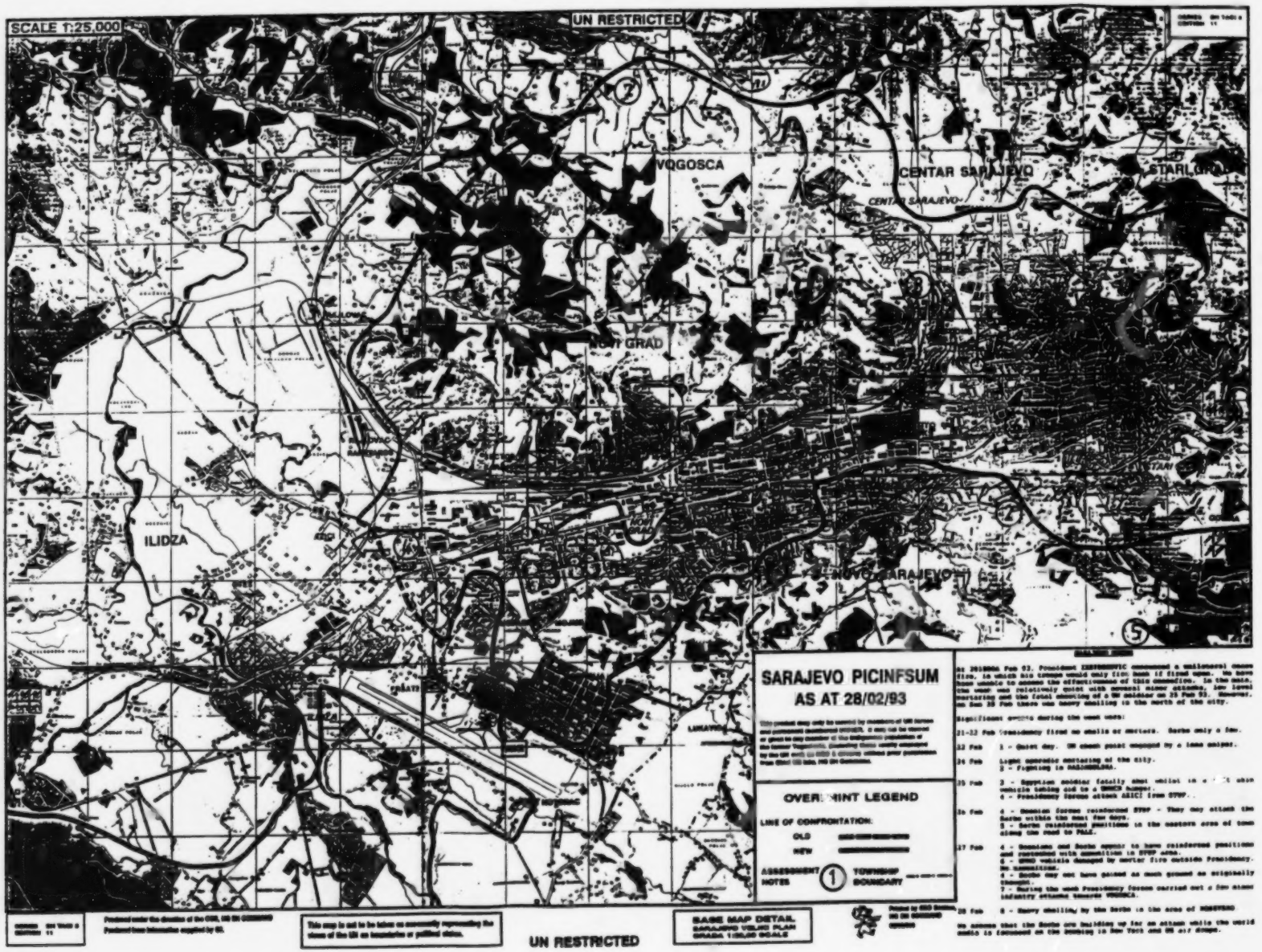
3. The flow of people across the runway from BUTMIR to DOBRINJA has increased during the past 3 weeks. This may be an indication of reinforcement of the Presidency forces in SARAJEVO. Seven persons were killed and 4 wounded trying to cross the runway.

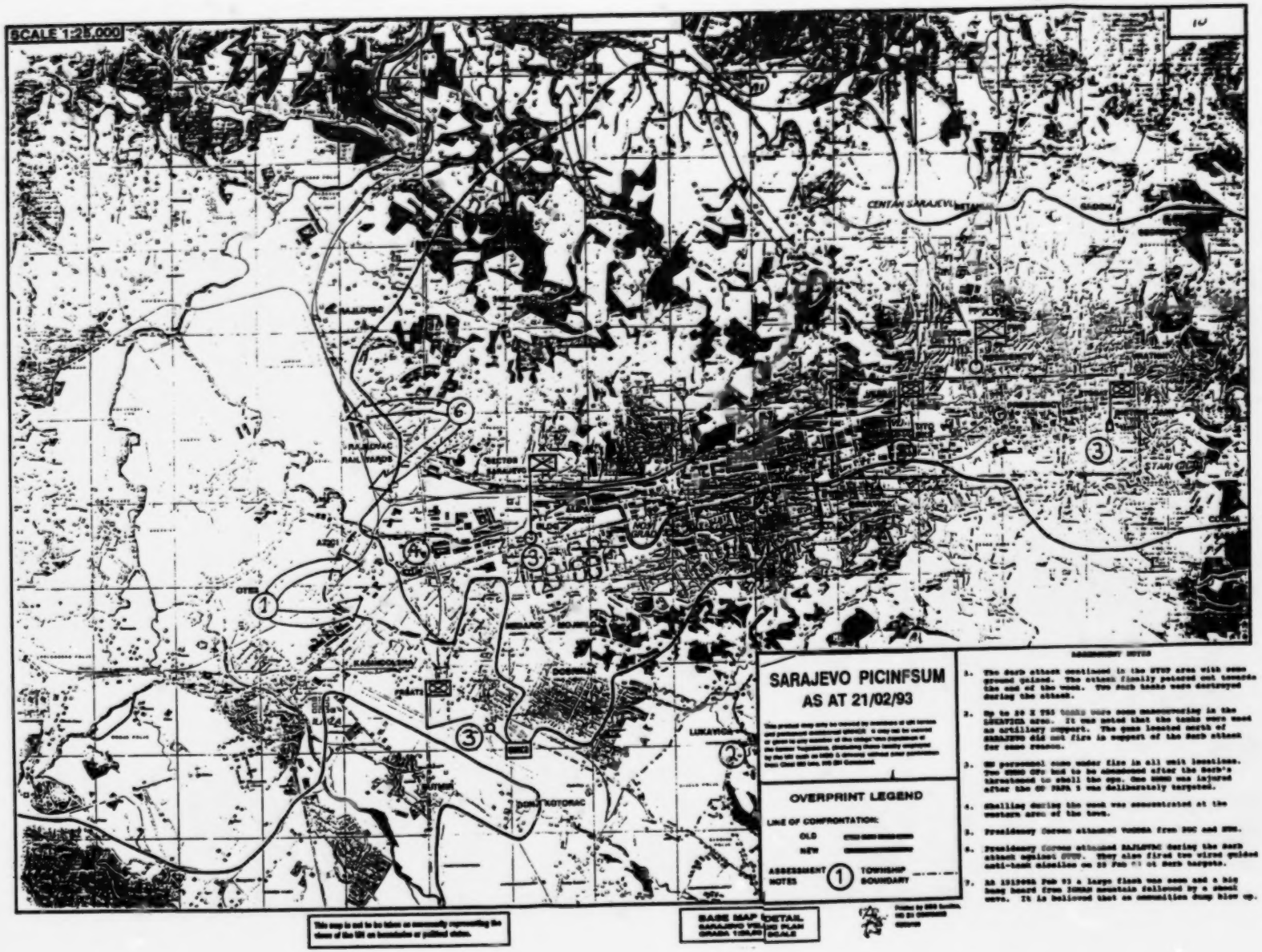
4. There are indications that the Presidency forces have reinforced the area of SMILJEVIC.

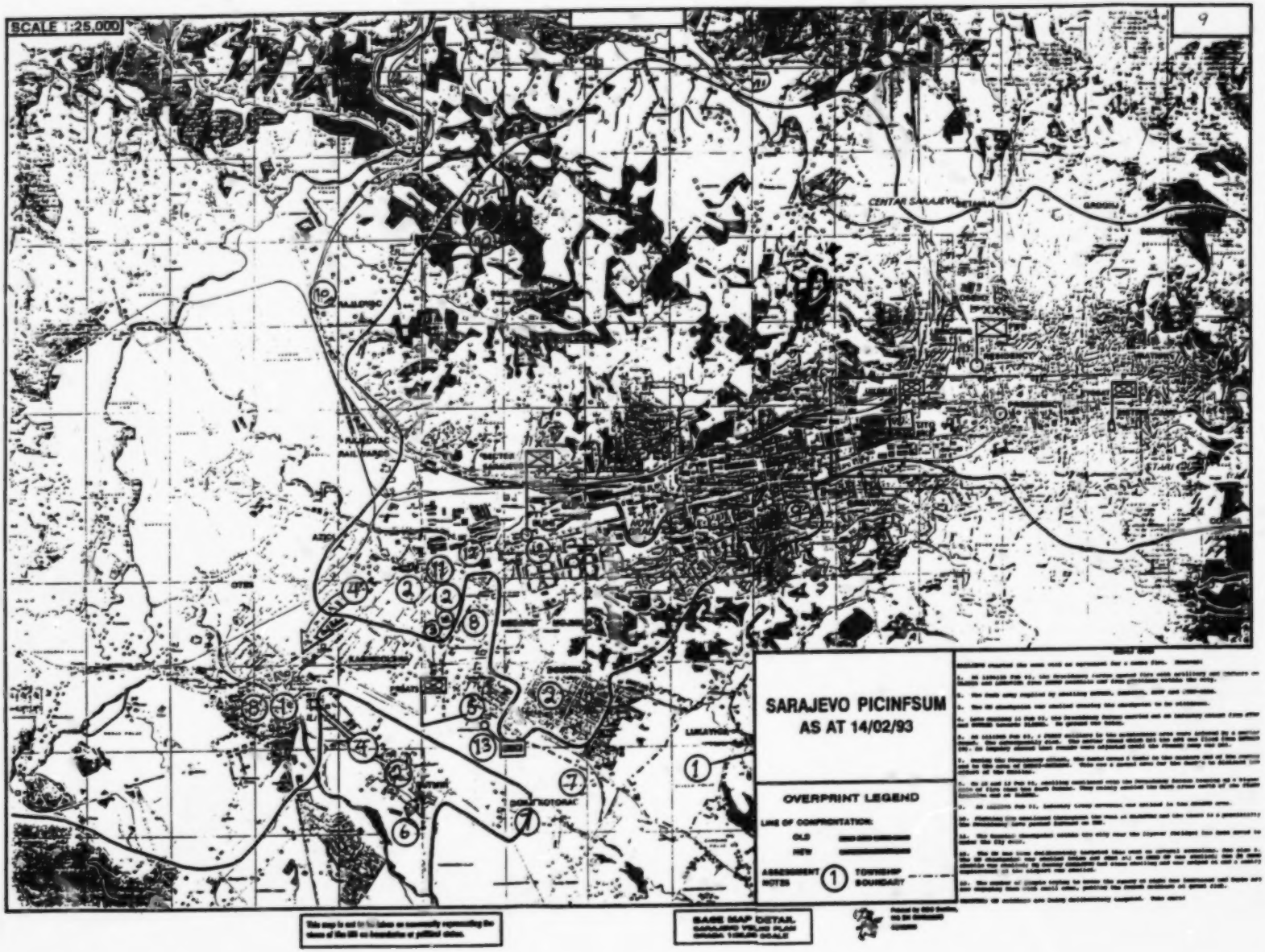
5. On 12 Mar 93, a Serb army check point was installed at Ozrenskoga Street consisting of 2 x T55 tanks, 1 x APC and 16 Serb soldiers. They held up 5 x Canadian transports for 1 hours because they wished to search the vehicles. This check point may have been trying to establish a formal delineation of separating their authority with the Government. Reports will need to be aware of these tactics in the future.

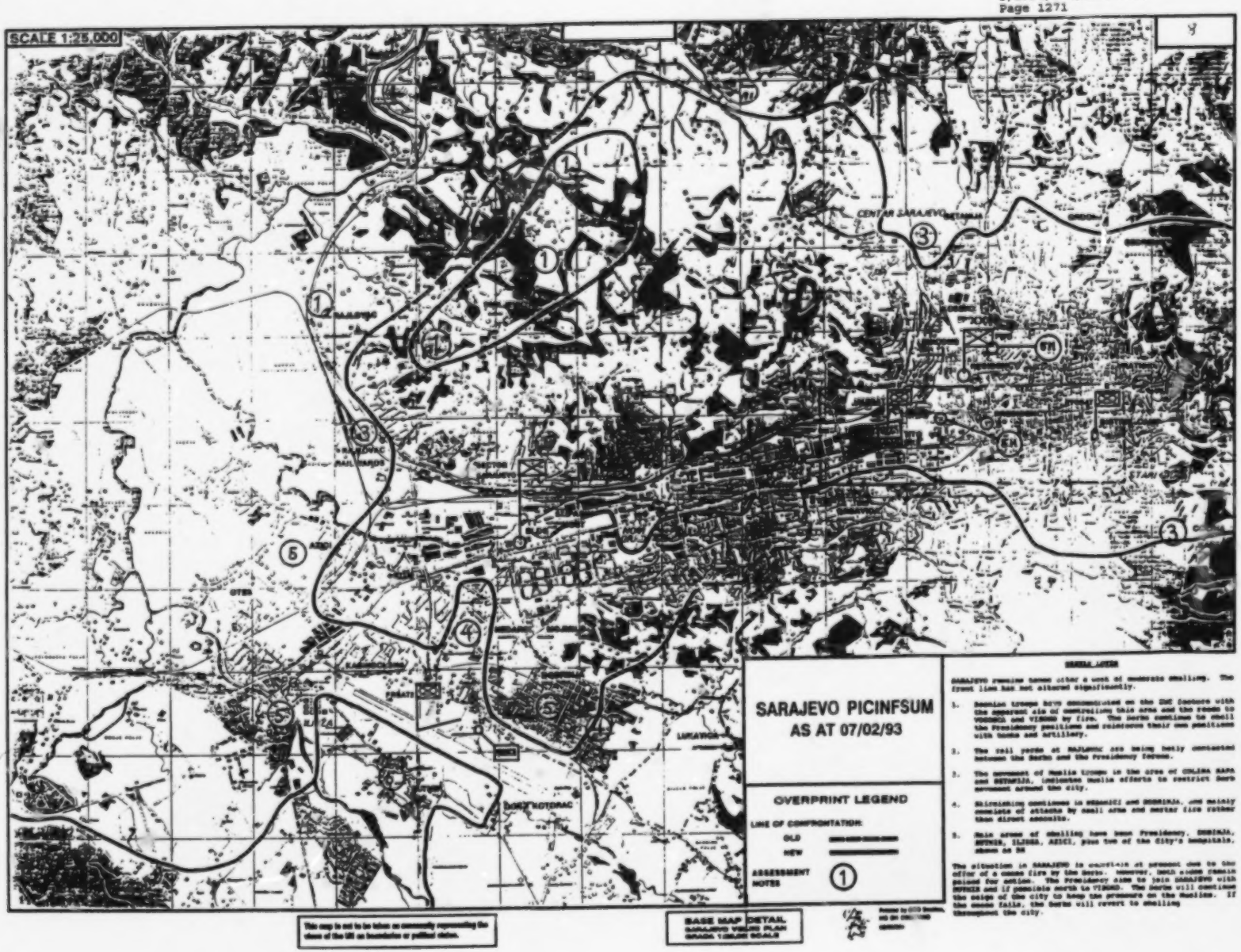
It is assessed that is unlikely that either side will carry out a major attack until the results of the UN Port talks are known. In addition, the Presidency are unlikely to carry out a major attack until they have completed the reorganization of their forces.


SCALE 1:25,000
12
SARAJEVO PICINFSUM
AS AT 07/03/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
TOWNSHIP BOUNDARY
This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.
BASE MAP DETAIL
SARAJEVO VILNO PLAN
SRADA 1:20,00 SCALE


SCALE 1:25,000
UN RESTRICTED
VOGOSCA
CENTAR SARAJEVO
STARI GRAD
NOVI GRAD
ILIDZA
NOVO SARAJEVO
SARAJEVO PICINFSUM
AS AT 28/02/93
OVER PRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
TOWNSHIP BOUNDARY
BASE MAP DETAIL
UN RESTRICTED


SCALE 1:25,000
SARAJEVO PICINFSUM
AS AT 21/02/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
TOWNSHIP BOUNDARY
ASSESSMENT NOTES
1. The Serb attack continued in the UTUV area with some ground gained. The attack finally petered out towards the end of the week. Two Serb tanks were destroyed during the attack.
2. Up to 20 X T55 tanks were seen manoeuvring in the LUKAVICA area. It was noted that the tanks were used as artillery support. The guns located north of SARAJEVO did not fire in support of the Serb attack for some reason.
3. UN personnel came under fire in all unit locations. Two UNMO OPs had to be abandoned after the Serb's threatened to shell the ops. One UNMO was injured after the OP PAPA 1 was deliberately targeted.
4. Shelling during the week was concentrated at the western area of the town.
5. Presidency Canon attacked VOGOSCA from DOC and SPAS.
6. Presidency Cannon attacked SARAJEVO during the Serb attack against UTUV. They also fired two wired guided anti-tank missiles on 20 Feb 93 at Serb targets.
7. At 1210HA Feb 93 a large flash was seen and a big bang heard from ZUMAC mountain followed by a small cure. It is believed that an ammunition dump blew up.
BASE MAP DETAIL
SCALE


SCALE 1:25,000
9
SARAJEVO PICINFSUM
AS AT 14/02/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
TOWNSHIP BOUNDARY
BASE MAP DETAIL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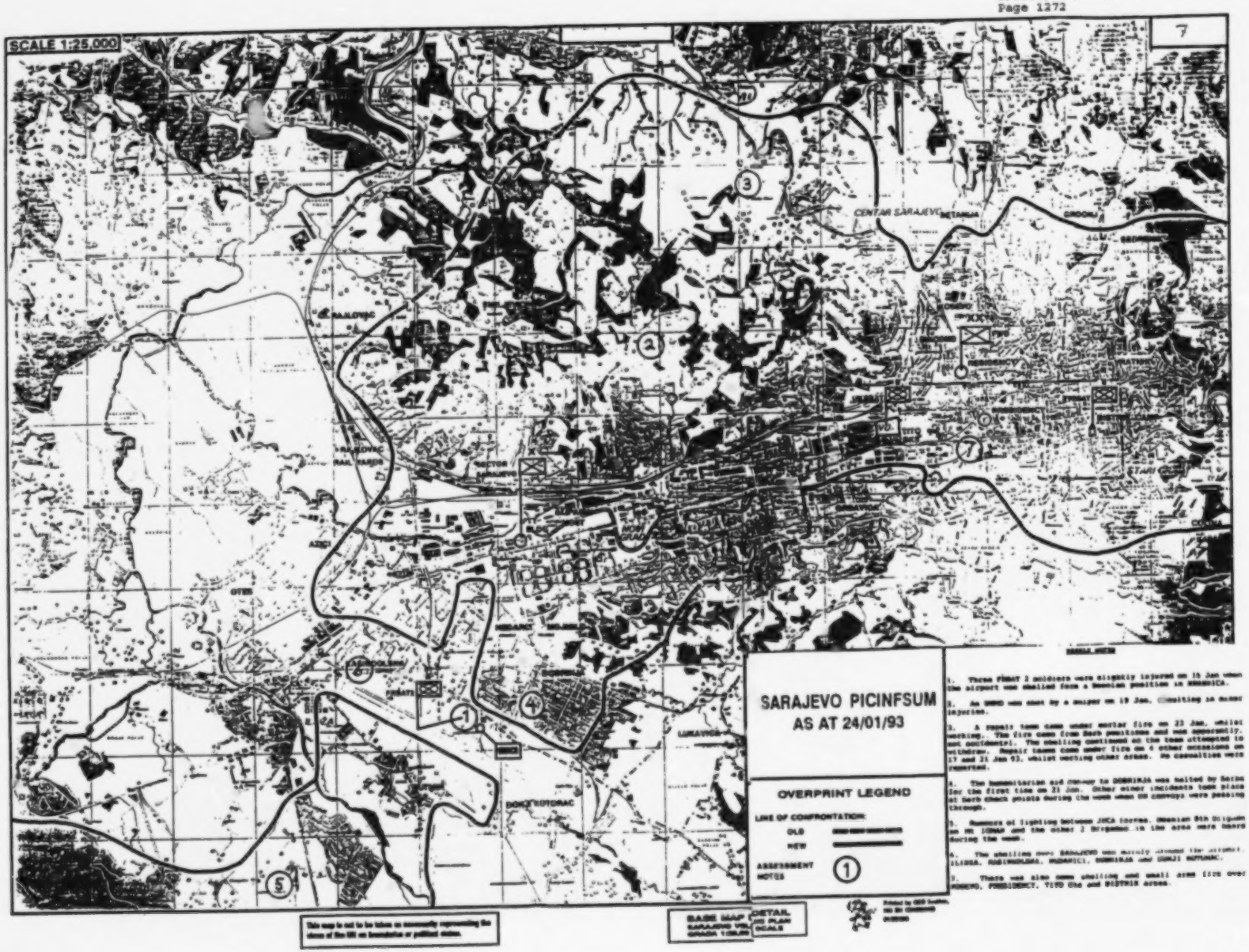
SARAJEVO PICINFSUM
AS AT 07/02/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
BASE MAP DETAIL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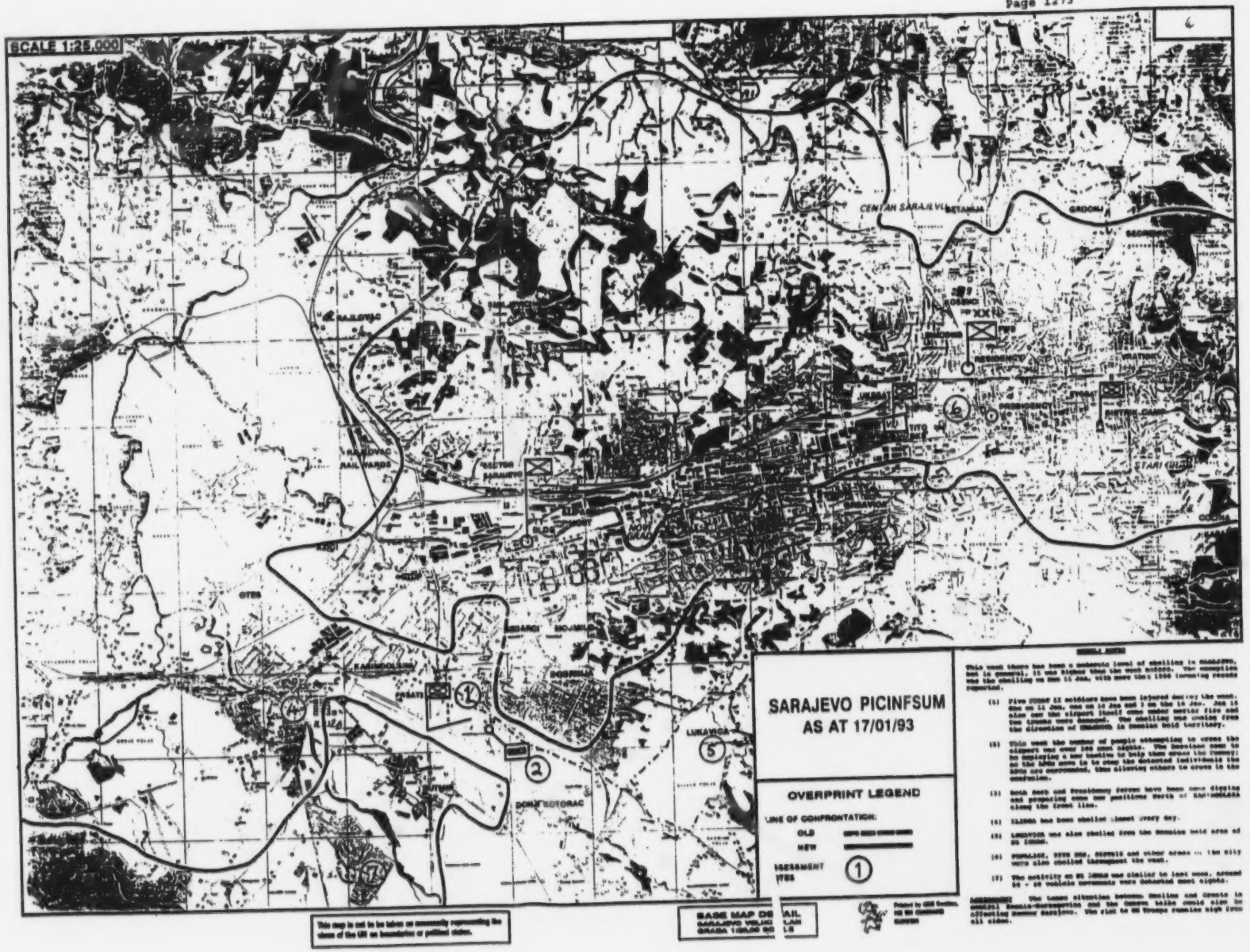
7
CENTAR SARAJEVO
SARAJEVO PICINFSUM
AS AT 24/01/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
2
3
4
5
6
7
1. Three FRENCH soldiers were slightly injured on 19 Jan when the airport was shelled from a Bosnian position in BUTMIR.
2. An UNHCR van was shot by a sniper on 19 Jan. [illegible] in minor injuries.
3. A repair team came under mortar fire on 22 Jan, whilst working. The fire came from Serb positions and was apparently not accidental. The shelling continued as the team attempted to withdraw. Repair teams came under fire on 6 other occasions on 17 and 21 Jan 93, whilst working other areas. No casualties were reported.
4. The Commissariat aid convoy to DOBRINJA was halted by Serbs for the first time on 21 Jan. Other minor incidents took place at Serb check points during the week when UN convoys were passing through.
5. Rumours of fighting between JNCA forces, Bosnian Sth Brigade on Mt IGMAN and the other 2 Brigades in the area were heard during the week.
6. The shelling over SARAJEVO was mainly around the airport, ILIDZA, RADIMOLJSKA, MUSAVICI, DOBRINJA and DONJI MOTNJAC.
7. There was also some shelling and small arms fire over KOSEVO, PRESIDENCY, TITO Ulica and SRIJEMSK areas.
SARAJEVO
DONJI KOTORAC
DETAIL OF PLAN SCALE
BASE MAP
This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.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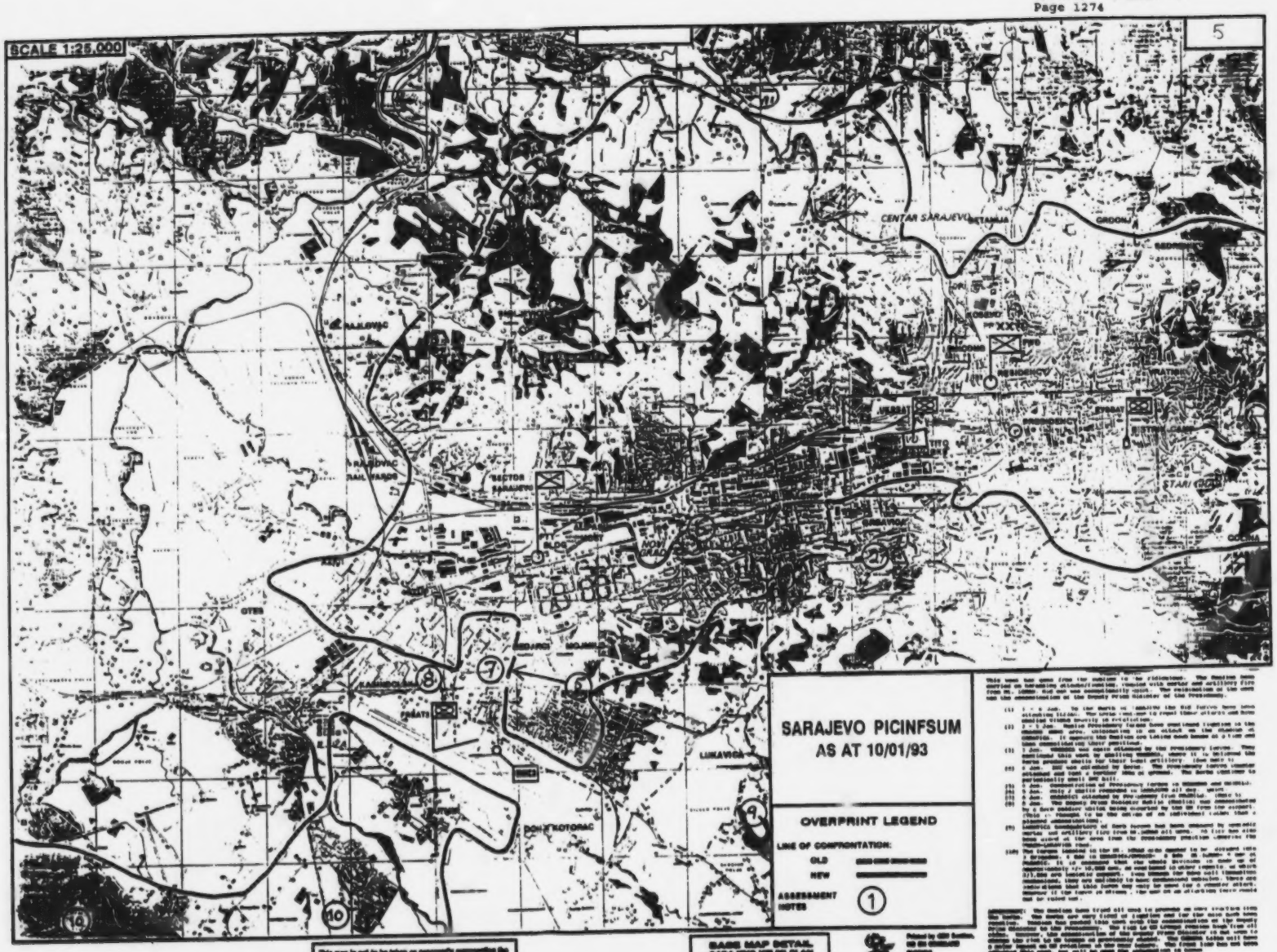
SARAJEVO PICINFSUM
AS AT 17/01/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT
ITEM
1
2
5
CENTAR SARAJEVO
GRBAVICA
DOBRINJA
LUKAVICA
DONJE KOTORAC
RAILWARDS
RESTOR SARAJEVO
STARI GRAD
This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.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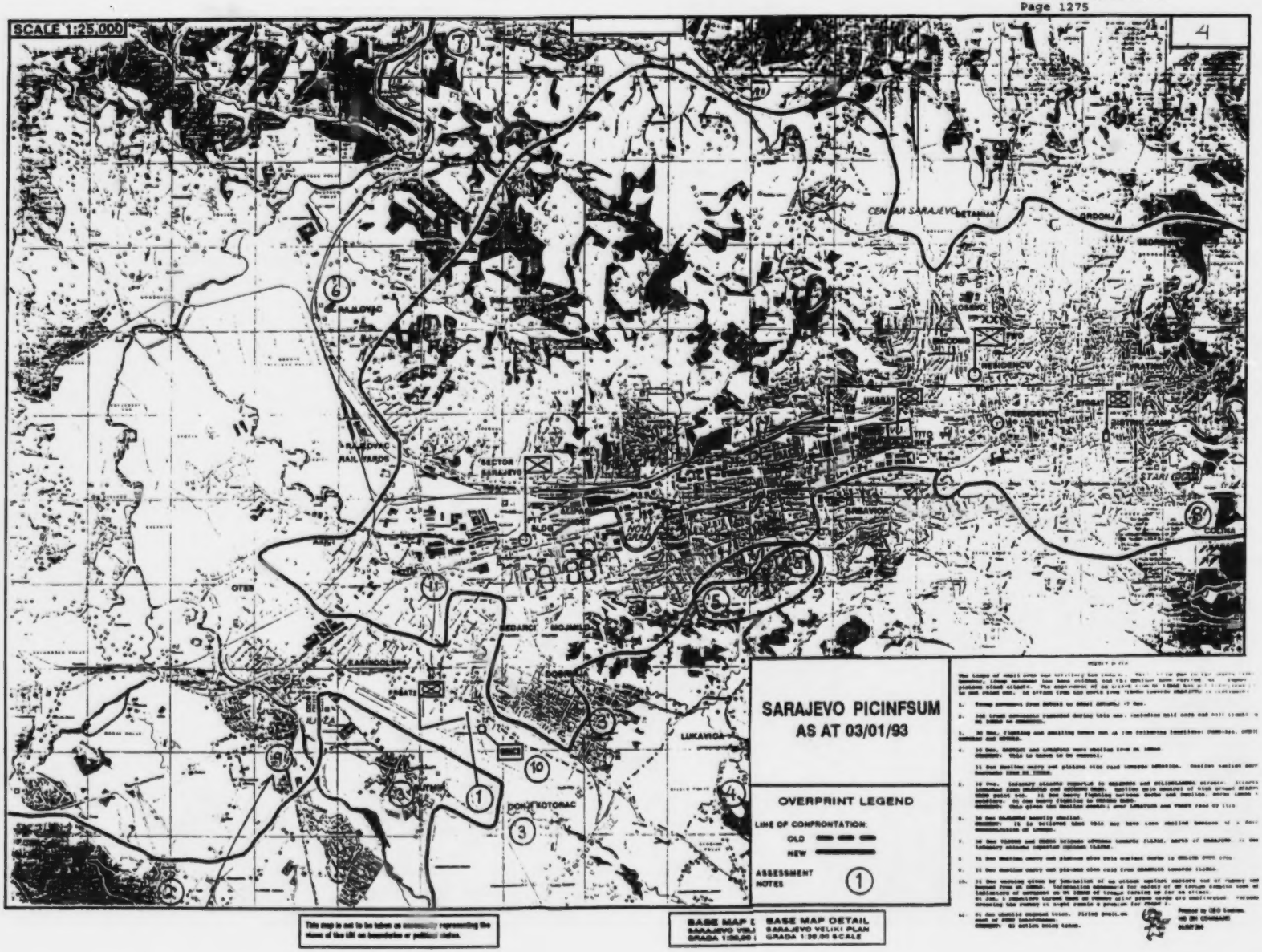
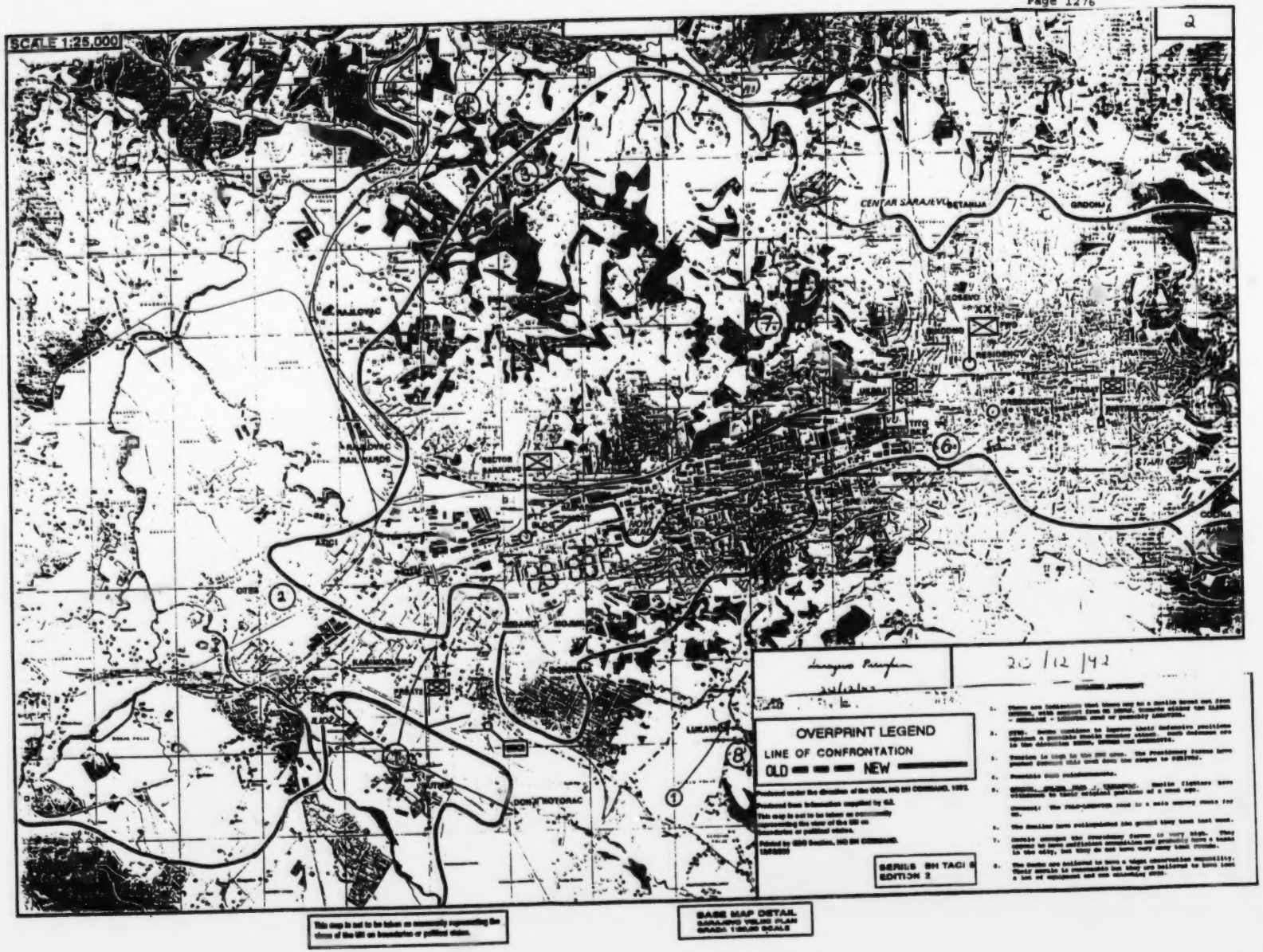
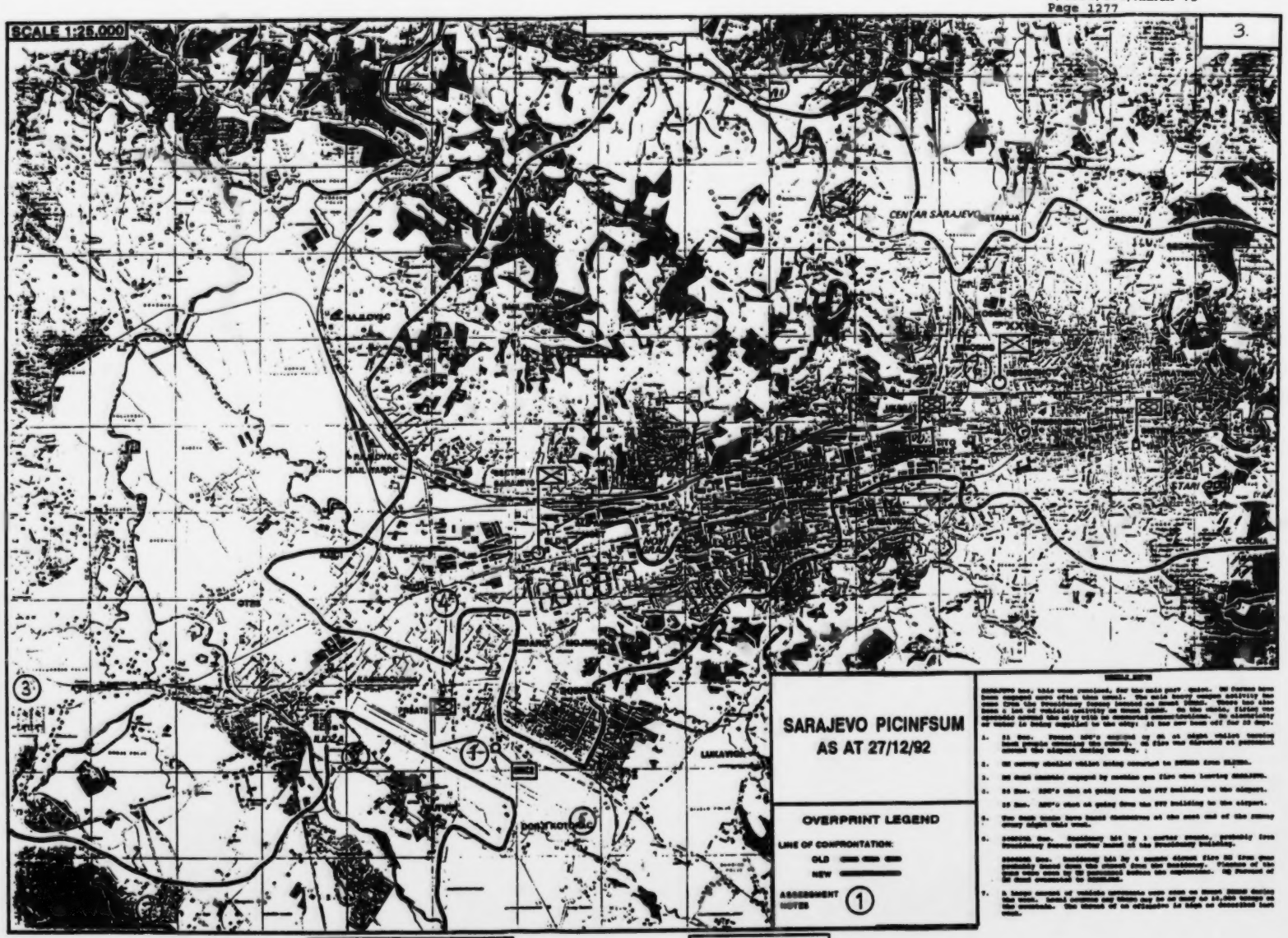
5
CENTAR SARAJEVO
SARAJEVO
ILIDZA
LUKAVICA
DOBRINJA
SARAJEVO PICINFSUM
AS AT 10/01/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
BASE MAP DETAIL


SCALE 1:25,000
4
CENTAR SARAJEVO
BETANIJA
ORDONA
RAJLOVIC
RAJLOVAC RAILWAYS
SECTOR SARAJEVO
OTES
RAKOVOLJA
DONJI KOTORAC
LUKAVICA
COGNA
SARAJEVO PICINFSUM
AS AT 03/01/93
OVERPRINT LEGEND
LINE OF CONFRONTATION:
OLD
NEW
ASSESSMENT NOTES
1
This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.
BASE MAP DETAIL
SARAJEVO VELIKI PLAN
GRADA 1:50.00 SCALE


SCALE 1:25,000
2
CENTAR SARAJEVO
GRBAVICA
OLYMPIC VILLAGE
DOBRINJA
ILIDZA
OVERPRINT LEGEND
LINE OF CONFRONTATION
OLD
NEW
SERIES 8H TACI E
EDITION 2
This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.
BASE MAP DETAIL
SARAJEVO URBAN PLAN
IMAGE 1:25,000 SCALE



SARAJEVO PICINFSUM
AS AT 27/12/92

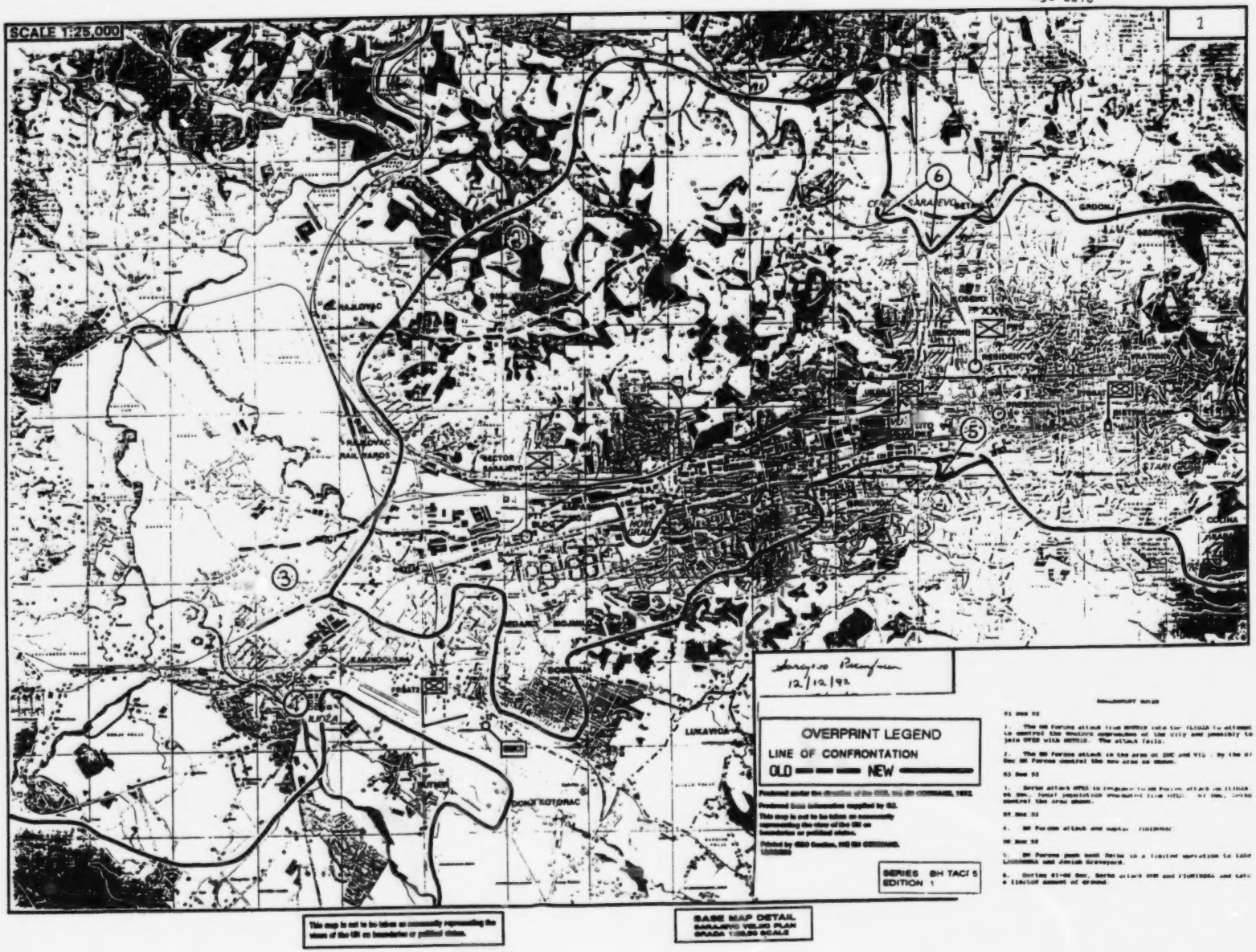
OVERPRINT LEGEND

LINE OF CONFRONTATION:
OLD
NEW

ASSESSMENT ZONES 1

This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.

BASE MAP DETAIL
SARAJEVO VILLE PLAN
CROSS TRAVEL GUIDE


SCALE 1:25,000
1
OVERPRINT LEGEND
LINE OF CONFRONTATION
OLD
NEW
12/12/92
SERIES BH TACI 5
EDITION 1
This map is not to be taken as necessarily representing the views of the UN on boundaries or political status.
BASE MAP DETAIL
SARAJEVO VELIKI PLAN
GRADA 1:25,000 SCALE

Appendix 8

THE STRUCTURE AND LOCATION OF THE FORCES INVOLVED IN AND SIEGE OF SARAJEVO (ORDER OF BATTLE)

The Structure and Location of the Forces Involved in the Battle and Siege of Sarajevo (Order of Battle)[1]

I. The Besieging Forces

1. The Sarajevo Romanija Corps is the force of the Bosnian Serbian Army (BSA) which has surrounded the city since the beginning of the siege. According to sources reviewed, the Sarajevo Romanija Corps forces around the city included the following units:[2]

A. 1st Corps Sarajevo Romanija[3]

Headquarters: Lukavica BP 8955, AOR: Eastern BiH North Sarajevo/Igman (Podromania not included)

Commander: Major General Stanislav Galic (current from at least 20 July 1993)

Major General Tomislav Sipcic (from at least 14 February 1993 to at least 23 May 1993)

Chief of Operations: Colonel Lcl Cedo (current as of 8 November 1993)

Chief of Staff: Colonel Milosevic (current as of 8 November 1993)

Deputy Chief of Staff: Major Imzic (current as of 8 November 1993)

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[1]This summary outline of the command structures of the BSA Sarajevo Romanija Corps and the BiH 1st Corps Sarajevo is based on the following sources: UNPROFOR, "Bosnia-Hercegovina Warring Factions HQ BH Command,": Edition No. 3 as at 14 February 1993, IHRLI Doc. No. 15811; Edition No. 4 as at 22 March 1993, IHRLI Doc. No. 38621; Edition No. 5 as at 25 May 1993, IHRLI Doc. No. 25048; Edition No. 6 as at 22 July 1993, IHRLI Doc. No. 43141; Edition No. 8 as at 24 January 1994, IHRLI Doc. No. 62963. Also consulted were the following UNPROFOR ORBAT Database printouts: "BSA - 1st Corps Sarajevo," as at 8 November 1993, IHRLI Doc. No. 55804; and "BiH -1st Corps Sarajevo," as at 8 November 1993, IHRLI Doc. No. 55813.

[2]The units listed below were identified by UNPROFOR on 8 November 1993 as the BSA forces directly around Sarajevo. *See* UNPROFOR ORBAT Database printout: "BSA - 1st Corps Sarajevo," as at 8 November 1993, IHRLI Doc. No. 55804. UNPROFOR orders of battle dated from 14 February 1993 to 24 January 1994 were reviewed to provide the following information on the command structure of these units.

[3]Originally called the IV E Bosnia Corps.

Deputy Commander for Discipline: Colonel Kosovac (current)

Deputy Commander for Logistics: Colonel Krsmanovic (current as of 8 November 1993)

Deputy Commander for Security: Colonel Lugonja (current as of 8 November 1993)

Chief of Cooperation with United Nations: Colonel Zarcovic (current as of 8 November 1993)

1. 1st Sarajevo Brigade
   Headquarters: Lukavica and Cica barracks

   Commander: Lieutenant Colonel Stojanovic (Staganovic) (current)

   Deputy Commander: Major Isailovic (current as of 8 November 1993)

   Military Police: Captain Sarenac (current as of 8 November 1993)

   Tank Battalion
   Headquarters: Ilinica

   Commander: Major Milankovic (current)

   Deputy Commander: Captain Krsdonovic (Ksrsmanovic) (current)

2. Artillery Brigade
   Headquarters: Uzdojnice

   Commander: Captain Simic (current)

   Deputy Commander: (unknown)

   Chief of Staff: (unknown)

   Field Artillery Commander Uzdojnice: Major Skrba (current as of 8 November 1993)

   Multiple Launch Rocket System Artillery Commander: Captain Draskovic (current as of 8 November 1993)

   Mortar Commander Klek: Lieutenant Mitrovic (current as of 8 November 1993)

Artillery Battery Commander Cicabarracks: Lieutenant Cado (current as of 8 November 1993)

Anti-Aircraft Artillery Battery Commander Ilinaca: Captain Antejevic (current as of 8 November 1993)

Anti-Aircraft Artillery Battery Deputy Commander Ilinica: Lieutenant Minic (current as of 8 November 1993)

Mortar Battery Commander G. Kotorac: Lieutenant Papaz (current as of 8 November 1993)

Mortar Battery Deputy Commander G. Kotorac: Lieutenant Papaz (current as of 8 November 1993)

3. 2nd Sarajevo Brigade (current as of 8 November 1993)
Headquarters: Vojkovici, Rear HQ, BP 8452, Forward HQ, Ostrici

Commander: Lieutenant Colonel Shehovac (current as of 8 November 1993)

Deputy Commander: Captain Markovic[4] (current as of 8 November 1993)

Chief of Staff: Captain Zaric (current as of 8 November 1993)

4. 1st Ramanija Infantry Brigade
Headquarters: Pale, BP 9861

Commander Infantry (Hresa BP 9861): Captain Vlado Lidzek (current)

Commander Artillery: Grajic Milomic (current)

Sy Off: Mile Pajic (current)

Grbavica/Lukavica (CP49) Battalion Commander: Major Dragan Tupojic (current as of 8 November 1993)

5. Kosevo Brigade

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[4]In July 1993, Colonel Markovic served under the command of Col. Krstic, who was the commander of the 49th Armoured Infantry Brigade. This Brigade was apparently disbanded after July as it does not appear on UNPROFOR orders of battle.

Headquarters: Radava BP 9263

Commander: Lieutenant Colonel Milo Krajisnic (current)

Deputy Commander: Major Vlado Medic (current as of 8 November 1993)

Chief of Staff: (unknown)

Deputy Chief of Staff or Operations: Captain Jovan Sarenac (current as of 8 November 1993)

6. Rajlovac Brigade

Headquarters: Academy of Rajlovac BP 8360

Commander: Major Mira Radic (current)

Commander Artillery-Ljubisa Lemez (current as of 8 November 1993)

7. Ilidza Brigade

Headquarters: Ilidza BP 827561

Commander: Lieutenant Colonel Radojcic (current)

Deputy Commander- Guzina (current as of 8 November 1993)

Chief of Staff: Captain Popadic (current as of 8 November 1993)

Commander 2nd Battalion, Butmir: Slobodan Janic (current as of 8 November 1993)

Commander, 5th Battalion: Zoran Tuifinovic (current as of 8 November 1993)

Deputy Commander 5th Battalion: Milorad Gasovic (current as of 8 November 1993)

1st and 4th Battalions in Nejdarici, 3rd and 5th Battalion locations unknown

8. Vogosca Brigade

Headquarters: Vogosca BP 858641, Cemetery

Commander: Colonel Delic (current as of 8 November 1993)

Deputy Commander: Major Robert Jovanovski (current as) of 8 November 1993)

Chief of Staff: Captain First Class Alexander Kovac (current as of 8 November 1993)

9. Hadzici/Igman/Blazuj Brigade (10th Brigade)

Headquarters: Hadzici BP 7456; Blazuj BP 790577; AOR: Igman Northwest

Commander: Lieutenant Colonel Cojic (current as of 8 November 1993)

Deputy Commander: (unknown)

Chief of Staff: (unknown)

10. Igman Brigade (current as of 24 January 1994)[5]

Headquarters: BP 790577

Commander: Lieutenant Colonel Cojic (current as of 8 November 1993)

11. Ilijas Brigade

Headquarters: AOR: Breza BP 8076; Visoko BP 7475

Commander: Colonel Yossipovic (current) (Operational Group Commander, Ilijas/Vogosca/Igman)

L.O.: Ljubiss Bosnjak (current)

12. Butmir Brigade (7th), Butmir

Headquarters: BP 8452; AOR: Igman Northeast

Commander: Lieutenant Colonel Jovo Bartula (current from at least 14 February 1993)

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[5]According to sources reviewed, this Brigade appears to have been formed from part of the Hadzici/Igman Brigade (10th Brigade), which as of 8 November 1993, was under the command of Cojic.

Deputy Commander: (unknown)
Chief of Staff: (unknown)

S of Butmir (BP 8652) Battalion Commander: Slavisa Terzic (from at least 14 February 1993 to at least 20 July 1993)

Bratunac (CP 6693) Battalion Commander-Svetozar Antic, (from at least 14 February 1993 to at least 20 July 1993)

Srebrenica (CP 6385) Battalion Commander-Ilija Stanarcevic (from at least 14 February 1993 to at least 20 July 1993)

13. Ostojici Brigade (current as of November 1993)[6]

Headquarters: BP 8741 Igman Area

Commander: Lieutenant Colonel Isailovic (current as of 8 November 1993)

Deputy Commander: (unknown)

Chief of Staff: (unknown)

1st Battalion (BP 8443 D. Grkarica) Commander: Major Cedo Nogo (current as of 8 November 1993)

2nd Battalion (BP 9041 Javorak) Commander: Major Srdan Kvezevic (current as of 8 November 1993)

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[6]This Brigade does not appear on the 24 January 1994 UNPROFOR Bosnia-Hercegovina ORBATS of Warring Factions - Eighth Edition.

II. The Defensive Forces

The 1st Corps Sarajevo has served as the BiH defensive force in the city since the beginning of the siege. According to sources reviewed, the 1st Corps forces in the city included the following units:[7]

A. 1st Corps Sarajevo Command and Staff:

Headquarters: Kramlja Tomslava Street/Daniela Ozme 2; AOR: Sarajevo City/Igman

Commander: Vahid Karavelic (current);

-Mustafa Hajrulahovic (through at least 9 May 1993)

Deputy Commander: Ismet Dahic (current); Nisad Balta: (through at least 20 July 1993); Vahid Karavelic (through at least 9 May 1993)

Chief of Staff: Nedjad Ajnadzic (current);Ismet Alija (reported as 20 July 1993); Asim Dzambasovic (from at least 22 March 1993 to at least 9 May 1993); 14 February 1993 ORBAT reports no Chief of Staff, but reports Ismet Alija as Deputy Chief of Staff;

Deputy Chief of Staff: None currently reported
-Esad Pelko, from at least 22 March 1993 until at least 9 May 1993;
-Ismet Alija, through at least 14 February 1993;

Chief of SY: Fikret Muslimovic (current);
-Jusuf Jasarevic (reported as to 20 July 1993)

Political Officer: Ekrem Cerimovic (current prior to January 1994)

Supply Officer: Zlatko Pap (current prior to January 1994)

Chief of Security: Fikret Muslimovic (current prior to January 1994)

Intelligence Officer: Esad Pelko (current)

Logistics Officer: Zlatan Cico (current)

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[7]The units listed below were identified by UNPROFOR on 8 November 1993 as the BiH forces in Sarajevo. *See* UNPROFOR ORBAT Database printouts: "BiH -1st Corps Sarajevo," as at 8 November 1993, IHRLI Doc. No. 55813. UNPROFOR orders of battle dated from 14 February 1993 to 24 January 1994 were reviewed to provide the following information on the command structure of these units.

B. Corps Assets, Sarajevo City

1. 1st Motorized/Mechanized Brigade (8 November 1993 source reports as 1st Motorized; this unit previously reported as 1st Mechanized):

Headquarters: Graho Viste/Kobilija Glava
Area of Operation: Zuc Hill, Hum Hill

Commander: Ramiz Besic (current);
-Enver Sehovic (from at least 14 February 1993 to at least 22 March 1993)

Deputy Commander: Ibrahim Dervisevic "Ramsin" (current);
-(Prior Deputy Commanders unknown)

Chief of Staff: Tahir Hadjari (current);
-Ibrahim Dervisevic (from at least 14 February 1993 until at least 22 March 1993)

1st and 2nd Battalion Cdrs: (unknown)

3rd Battalion Cdr: Fikret Kavazovic "Raky" (current prior to January 1994)

2. 2nd Motorized Brigade:

Headquarters and Area of Operation: Vogosca-Zuc (current); (Rajlovac reported as location on 22 March 1993)

Commander: Esad Pelko "Brzi" (current);
-Safet Zajko, from at least 14 February 1993 to at least 22 March 1993

Deputy Commander: Hilmo Kovac (current, from at least 20 July 1993);
-Safet Isovac (reported as 22 March 1993)

Chief of Staff: Emir Soljagic "Cobo" (current)

Battalion Commanders: unknown

3. 2nd Mountain Brigade:

Headquarters: Kosevo-Grdonj-Vratnik (current); Vasin Han, Vase Miskina St (prior to January 1994)

Commander: Hilmija Kadic (current);
-Hibrinja Korac (prior to January 1994);
-Sakid Puskar, also listed as Zakid Puskar, Zakir Puskar, Zakir Buskar (from at least 22 March 1993 to at least 20 July 1993);
-Redzo Mehic (reported as 14 February 1993)

Deputy Commander: Sead Kadic (current)
-Sead Babic (reported as 20 July 1993)
-Reported as unknown 22 March and 24 May 1993

Chief of Staff: (current unknown prior to January 1994);
-Hibrinja (Hilmija) Korac reported as 20 July 1993
-Safer Dzaferagic (from at least 22 March 1993 to at least 24 May 1993
-Osman Cengic (reported as 14 February 1993)

Assault Platoon Commander: Salahudin Karavcic Karaga (current prior to January 1994)

4. 5th Brigade (reported 14 February and 22 March 1993 as 5th Mountain)
Headquarters: Dobrinja

Commander: Ismet Hadzic (current)

Deputy Commander:Humo Cesir (current)

Chief of Staff: uncertain, Halil Bicaj (current and as from 20 July 1993);

Battalion Commanders: (unknown)

5. 15th Mountain Brigade (Combination of Former 1st and 10th Mountain Brigades)

Headquarters: Bistrik/Grbavica

Commander: Nahir Hamzigula (current)

Deputy Commander: Zijad Poprezenovic (current)

Chief of Staff: Zlad Rujanac (current), Senad Pecar (prior to January 1994)

Battalion Commanders (unknown)

2 Mortar Units (under command of Mustafa Zulic, former Commander, 1st Mountain)

a. Former 1st Mountain: reported at Bistrik Trebevic, 20 July 1993; Starigrad, 24 May and 22 March 1993

Commander: Mustafa Zulic (reported as 20 July 1993 and prior)

Deputy Commander: Zlad Poprezenovic (reported as 20 July 1993) (prior unknown)

Chief of Staff: Zlad Rujanac (reported as 20 July 1993)
-Zijad Borezenovic (reported as 24 May 1993 and prior)

b. Former 10th Mountain: reported at Bistrik-Skenderija (20 July 1993);

Commander: Musah Topalovic "Caco", reported as 20 July 1993[8]

Deputy Commander-Unknown

Chief of Staff: Senad Pecar (reported as 20 July 1993)

6. 101st TDF Brigade:

Headquarters: Mojmilo, Area of Responsibility: Hrasno/Mojmilo (formerly reported both as 101st Infantry and 101st Mountain, Mojmilo, and Hrasno-Mojmilo, or former 101st disbanded and new TDF formed with same area of responsibility)

Commander: Ajnadzic Nedzad (current)

Deputy Commander: Sifet Puskar (current)

Chief of Staff: Tefik Sarik (current)

Subordinate Commanders (unknown): (Numerous snipers reported in this unit)

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[8]On 26 October 1993, the BiH government initiated a crackdown against "Caco", and the commander of the 9th Brigade ("Celo"). Caco was killed during the course of his capture and Celo was placed under arrest.

a. Former 101st Infantry/Mountain: Hrasno Mojmilo (20 July 1993, Mojmilo 24 May (BP 8856) and 22 March 1993)

Commander: Nedzad Ajnadzic (from at least 14 February 1993 to at least 20 July 1993)

Deputy Commander: Fadil Hasanagic (reported 20 July 1993, prior unknown)

Chief of Staff: Vahid Cebo (from at least 14 February to at least 20 July 1993)

7. 102nd TDF Brigade:

Headquarters: Stup/Azici 34 T BP 8658 (replaces or reported earlier as 102nd Motorized, Stup-Azici, BP 8558, 20 July 1993, and 1st Motorized, Stup, 22 March 1993 and 14 February 1993)

Commander: Esad Paldum (current)

Deputy Commander: Mustapha Dzebo (current), (reported unknown 22 March 1993)

Chief of Staff: Amir Corbo (current from at least 20 July 1993)
-Zlatko Lagumdzija (from at least 14 February 1993 to at least 22 March 1993)

Known subordinate officers: Majors Sadiga, Djemal Habibiga and Muninovitch, (current prior to January 1994)

3rd Battalion Commander: Rasim Pljevcjak (from at least 22 March 1993 to at least 20 July 1993)

8. 105th (former 9th Motorized, Kocevo, 9160, 20 July 1993) Brigade:

Headquarters: Kocevo 34 T BP 9249-5968, Trampina St., 14

Commander: Itzet Bekovac (current)
Former 9th Commander: Suliman Ishirevic (reported 20 July 1993)

Deputy Commander: None (current)
Former 9th Deputy Selo Astrerovic(reported 20 July 1993)

Chief of Staff: Eso (current, none prior reported)

8 November 1993 source reports: former subordinates Sulejman Imsirevic, Ramiz Delalic "Celo" and Sero Asterovic arrested in October 1993.

9. Sarajevo Brigade "Krajl Trvko" (reformation of disbanded HVO brigade of same name)

Headquarters: Grbavica BP 8960

Commander: Veraja Nedeljko (current)

Chief of Staff: Franjo Talinajic (current)

Subordinate staff and officers: (unknown)

a. HVO Sarajevo Brigade "Krajl Trvko" or "Krajl Turtko Drugi" (currently disbanded, reported at Grbavica 20 July 1993; BP 9159 Sarajevo, 23 May 1993)

Commander: Ivan Vulic (reported as 20 July 1993) Slarsko Zelic[9]

Chief of Staff: Franjo Talinajic (from at least 14 February 1993 to at least 20 July 1993)

b. There was an additional HVO-HSO unit in Sarajevo

Headquarters: Gengic Villa BP 9159 (reported 20 July and 23 May 1993, BP 8858)

Commander: Mate Matasin (current)
-Drasko Vrukovic (reported as 20 July 1993)

Subordinate command and staff: (unknown)

C. Ancillary Units

1. Logistical Brigade

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[9]On 10 November 1993, several groups of HVO troops in Sarajevo were marched under BiH army guard and the HVO barracks were occupied by BiH army troops. Zelic was subsequently arrested. The BiH army thereafter announced that it was disbanding the HVO in Sarajevo and accused some of its members of "actively cooperating" with BSA forces around the city, jeopardizing its defenses. The BiH army then invited HVO soldiers to join a new Croatian brigade of the 1st Corps.

Headquarters: Tito Barracks BP 9059

Commander: Ekrem Imsirevic (current prior to January 1994)

Deputy Commander: Almir Sutrovic (current prior to January 1994)

Chief of Staff: Sead (current prior to January 1994)

2. Field Artillery Brigade

Commander: Miro Grbavac (current)
-Radzo Mehic (from at least 14 February 1993 to at least July 20 1993)

Deputy Commander: (Unknown)

Chief of Staff: Osman Cengic (current from at least 14 February 1993)

3. AAA Artillery Regiment

Commander: Darvin Lisica (current); Snija Omanovic and Darvin Lisica (current and prior)

Deputy Commander: (Unknown)

Chief of Staff: Danijel Bilajac (current and prior)

4. Military Police Battalion

Commander: Munir Alibabic (current);
-Stepjan Vlasic (prior to January 1994)

Subordinate Command and Staff: (unknown)

5. Special Force Battalion/2nd Independent Battalion

Headquarters: Zuc

Commander: Adlan Solakovic (current and from at least 20 July 1993)

-Fahrudia Hadzimehmedagic, from at least 14 February to at least 23 May 1993

Deputy Commander: Nihad (current prior to January 1994)

Chief of Staff: Fahrudin Hadzimemedagic (current prior to January 1994)

6. Civilian Police/Milicjia (reported 8 November 1993 under 1st Corps Command, HQ, Skenderija)

Regional Commander: Munir Alibabic (current prior to January 1994)

Sarajevo Commander: Zelko Varunek (current prior to January 1994)

Chief of Stari Grad: Ener Bezdrof (current prior to January 1994)

Chief of Centar: Reuf Jacuc (current prior to January 1994)

Chief of Novi Sarajevo: Alija Kazic (current prior to January 1994)

Chief of Novi Grad: Jusuf Vatres (current prior to January 1994)

Chief of Traffic Police: Bairo Cesko (current prior to January 1994)

D. Units No Longer under 1st Corps in Sarajevo

1. 11th Territorial Defense Force Brigade, BP 9159, Novi Sarajevo, under HVO command (reported 22 March to 20 July 1993 sources)[10]

2. 12th Territorial Defense Force Brigade, Zuc, BP 8762, also under HVO command (current from 14 February 1993)[11]

Commander: Nijaz Grebovic (current from at least 22 March 1993)

3. 10th Territorial Defense Force Brigade, Bistrik (reported 22 March

---

[10]According to the reports reviewed this Brigade was possibly subsumed by other BiH brigades.

[11]According to the reports reviewed this Brigade was possibly subsumed by other BiH brigades.

1993)

4. 3rd Motorized Brigade, Stup (reported 14 February and 22 March 1993 sources)

Commander: Blevad Radzo

Deputy Commander: (unknown)

Chief of Staff: Amir Corbo

5. 3rd Mountain, Sedrenik, (reported 14 February and 22 March 1993 sources)

Commander: Sabrija Zimic

Deputy Commander: (unknown)

Chief of Staff: Ramir Delalic

6. 6th Mountain Brigade, Hrasno (reported 14 February and 22 March 1993 sources)

Commander: Adem Halilafic

Deputy Commander: (Unknown)

Chief of Staff: Barudin Fazlic

7. 7th Mountain Brigade, Kosevo (reported 14 February and 22 March 1993)

Commander: Mirsad Bezdrob

Deputy Commander: (unknown)

Chief of Staff: Mehmed Sesic

E. Corps Assets Mount Igman

1. Operational Group HHQ (1st Corps)

Headquarters: Hrasnica Stan BP 815505 or Pazaric, AOR: Igman North

Commander: Nejdad Ajnadzic (1st Hill Brigade) (current prior to

January 1994)
-Salko Gusic (reported as 23 May 1993)
-Dzevad Rado, reported as 22 March 1993

Deputy Commander: Alija Ismet (current)

Chief of Staff: Vehbija Karic (current and from at least 14 February to at least 20 July 1993);

-Salko Mumanovic (prior to January 1994)

2. 4th Mountain Brigade (1st Corps)

Headquarters: Hrasnica BP 8452, AOR: North East of Igman and Hrasnica

Commander: Fikret Prevlar (current and from at least 23 May 1993)
-Fikret Delic (reported as 22 March 1993)
-Zulfikar Nihad (reported as 14 February 1993)

Deputy Commander: Esael Mulahasanovic (current and from at least 23 May 1993)
-Zulfikar Nihad, reported as 22 March 1993
-Fikret Delic, reported as 14 February 1993

Chief of Staff: Emir Redzovic (current and from at least 14 February 1993)

3rd Battalion Commander: Sabotir Hirsad (from at least 23 May 1993 to at least 20 July 1993)

3. Units of other Corps serving under 1st Corps Operational Control

a. 81st Mountain Brigade (6th Corps)

Headquarters: Igman, AOR: Malo Polje (formerly reported as 8th Infantry Brigade, Igman BP 8252)

Commander: Fehim Bebic (current)
-Jana Alispago (from at least 14 February to 20 July 1993)

Deputy Commander: Boja Dzic (current and prior)

Chief of Staff: Muhamed Nogo (current and prior)

i. Special Forces

Commander: Juka Prazina (current)[12]

b. 9th Mountain Brigade (6th Corps)

Headquarters: Pazaric BP 7252

Commander: Negir Kasic (current and from at least 22 March 1993)
-Dzevad Rado (reported as 14 February 1993)

1st Battalion Commander at Tarcin: Mustapha Abazovic (reported at least from 23 May to 20 July 1993)

c. 7th Mudjahideen Brigade (3rd Corps) (location, command and staff unknown)

d. 6th Hill Brigade (6th Corps) (location, command and staff unknown)

[12]According to source materials, Juka Prazina commands a special forces battalion composed mostly of former convicts, mercenaries of middle-east countries and Europe currently in Konijc/Jablanica.

Appendix 9

REVIEW OF THE SHELLING OF THE SARAJEVO CLINICAL CENTER KOŠEVO

UNIVERSITY CLINICAL CENTER SARAJEVO
CLINICAL CENTER CONSTRUCTION ENGINEERING DEPT.

COMPLEXES WITHIN THE "KOSEVO" CLINICAL CENTER
HIT BY MARCH 10, 1993

COMPLEX	DIRECT HIT	HIT IN THE COMPLEX VICINITY
1. Traumatology Clinic	12	5
2. Technical&Economic Dept.	7	4
3. Amphitheater	4	4
4. Orthopedics Clinic	3	5
5. Diagnostics&Polyclinic	13	4
6. Nephrology Clinic	1	3
7. Surgery Clinic	6	6
8. Otorhinolaringology Clinic	4	2
9. I Internal Clinic	1	2
10. Infectious Diseases Clinic	6	5
11. Pharmacy	4	2
12. III Internal Clinic	4	6
13. II Internal Clinic	4	2
14. Neuropsychiatry Clinic	5	4
15. Engineering Dept.	1	7
16. Central Medical Dept.	9	8
17. Immunology Lab. (Leprosarium)	3	2
18. Former UMC Management	3	8
19. Dermatology Clinic	-	2
TOTAL:	90	82
20. Ophthalmology Clinic	3	8
21. "Podhrastovi" Clinic	18	8

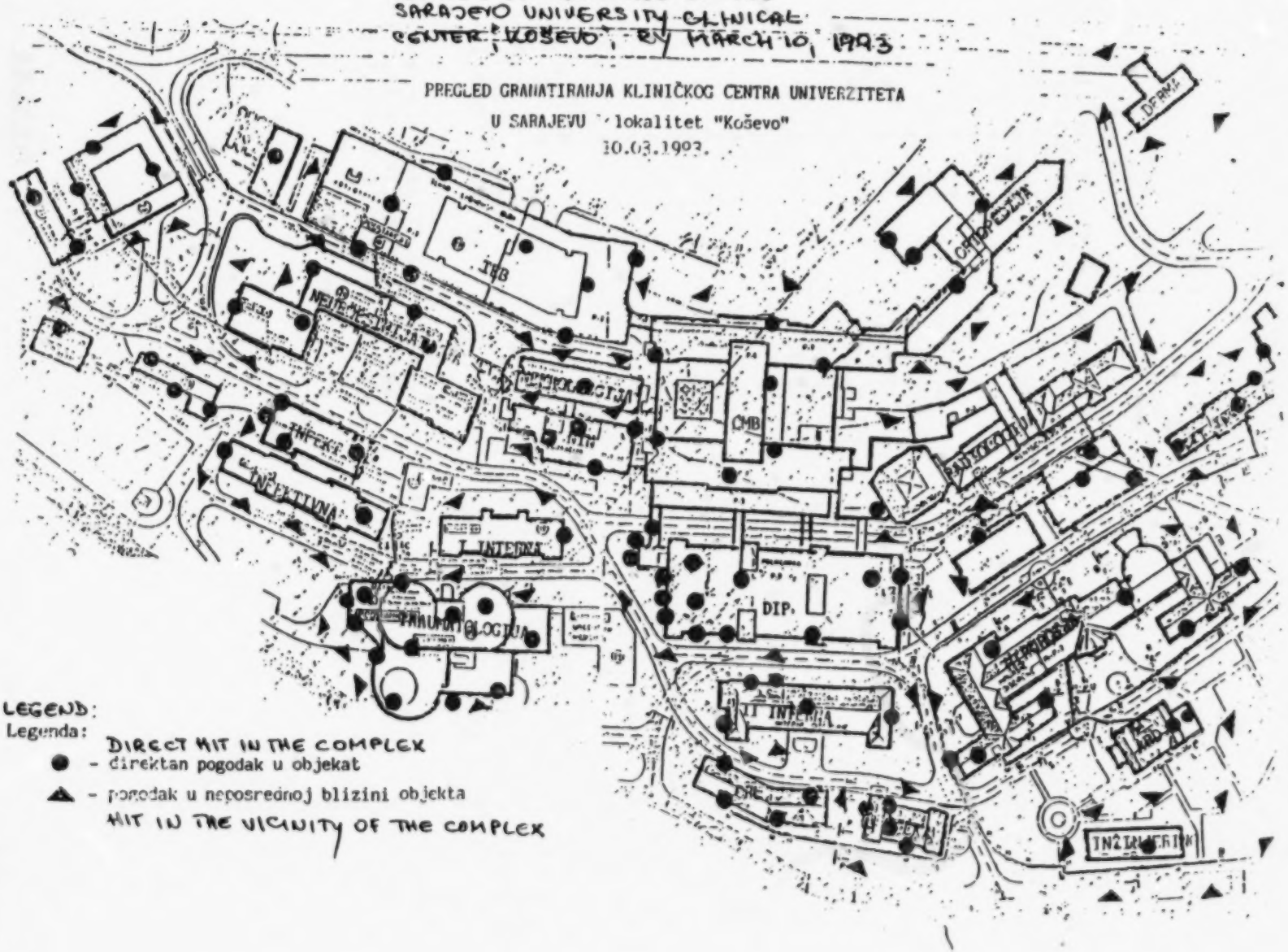
By March 10, 1993 172 shells fell within the "Kosevo" Clinical Center, 11 at the Ophthalmology Clinic and 26 at the "Podhrastovi" Clinic.

Head of the Clinical Center
Construction Engineering Dept.:
Faruk Dizdarevic, B.Sc.Civ.Eng.

013141

REVIEW OF SHELLING OF THE
SARAJEVO UNIVERSITY CLINICAL
CENTER, KOŠEVO, BY MARCH 10, 1993.

PREGLED GRANATIRANJA KLINIČKOG CENTRA UNIVERZITETA
U SARAJEVU - lokalitet "Koševo"
10.03.1993.



LEGEND:
Legenda:

DIRECT HIT IN THE COMPLEX
● - direktan pogodak u objekat

▲ - pogodak u neposrednoj blizini objekta
HIT IN THE VICINITY OF THE COMPLEX

013140

S/1994/674/Annex VI
Page 1299

KLINIČKI CENTAR UNIVERZITETA U SARAJEVU
- LOKALITET "KOŠEVO" -
PREGLED OSNOVNIH OBJEKATA KCUS
april 92 - maj 93
Evidencija i pregled pogođenih tehničkih objekata K.C.
027263

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX VI.A
INCIDENT STUDY REPORT REGARDING MORTAR SHELLING DOBRINJA, SARAJEVO ON 1 JUNE 1993: INVESTIGATION

Under the Direction of:

William J. Fenrick
Member and Rapporteur on On-Site Investigations,
Commission of Experts Established Pursuant to
Security Council Resolution 780 (1992)

Prepared by:

Members of Canada's Contributed Personnel to the Commission
of Experts (Canadian War Crimes Investigation Team)

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I. METHODOLOGY

1. This study resulted from an investigation conducted by Sergeant J.L. Lamothe and Warrant Officer S. Murray-Ford, Canadian Forces Military Police, as part of the Canadian Investigation Team. They were part of an investigative group consisting of the Rapporteur for On-Site Investigations, a representative of the Secretariat and the Canadian War Crimes Investigation Team (WCIT), which was comprised of three military lawyers and four military police investigators. The group was deployed to the territory of the former Yugoslavia for the period of 20 June to 10 July 1993 and was in Sarajevo for the period of 24 June to 8 July 1993. The WCIT, in general, consisted of military personnel from the Canadian Office of the Judge Advocate General as well as military investigators who were seconded from Canada to the Commission of Experts for specific missions. The teams were referred to within the Commission and for the purposes of its reports as the Canadian War Crimes Investigation Team.

2. The objective of this study was to prepare a report analyzing in depth a specific incident in the siege of Sarajevo; to identify specific violations of the law of war, particularly violations in which civilian casualties occurred; to analyze the circumstances of the incident; and to assess the feasibility of identifying and prosecuting alleged offenders, particularly the military commanders. The report was to be based on information which could be obtained in and around Sarajevo.

3. No incident was chosen prior to arrival in Sarajevo. Criteria to be considered in selecting an incident included: number of casualties, number of projectiles fired, sources and, to a lesser extent, time elapsed since the incident. It was hoped that it would be possible to get information from Bosnian, UNPROFOR and Serbian sources. The rationale for preferring an incident in which more than one projectile was fired was that multiple projectiles would give a stronger indication of intent to commit an offence. It might be possible to explain away an incident caused by a single projectile.

4. Authorities from the Bosnia and Herzegovina (BiH) State War Crimes Commission were requested to provide evidence concerning six incidents of their choice, on the understanding that these incidents would be considered, but not necessarily chosen for in-depth investigation. The evidence could not be compiled by the Commission within a short period of time and, as a result, an alternative approach was decided upon. BiH authorities suggested six incidents for which they believed a reasonable amount of information was available. Two of these incidents, the shelling of a soccer game on 1 June 1993 and the shelling of a funeral in mid-June, were selected for possible in-depth investigation. Preliminary investigation indicated that information on the shelling of the funeral would only be available from one source, as heavy rains the day after had washed away the evidence which UNPROFOR had intended to gather.

5. The incident finally selected for in-depth investigation was the mortar shelling of a soccer game in the Dobrinja suburb of Sarajevo on 1 June 1993. The investigators interviewed several witnesses on the BiH side and also reviewed the crater analysis produced by UNPROFOR. Investigators were unable to interview witnesses on the Serbian side.

II. INCIDENT STUDY

6. On 28 June 1993, Sergeant J.L. Lamothe and Warrant Officer S. Murray-Ford, Canadian Forces Military Police, as part of the WCIT, were tasked to conduct an investigation into a mortar attack that occurred in the Dobrinja District of Sarajevo on or about 1 June 1993.

7. They received a copy of a crater analysis conducted by UNPROFOR relating to this incident. The analysis report reveals the following:

(a) the attack occurred at approximately 10:20 a.m. on 1 June 1993;

(b) two mortar rounds fell;

(c) the shells landed at grid reference (GR) 87395653, on a map of Sarajevo, Series M709, sheet 27821, scale 1:50,000;

(d) the minimum calibre of the shells was 81 millimetres;

(e) the first shell had a bearing to the origin of fire of 143 degrees, while the second round had a bearing of 138 degrees;

(f) due to the fact that both rounds impacted into a macadam surface, the angle of descent and range cannot be determined;

(g) working from known angles of descent for both 81 millimetre and 120 millimetre mortars, the minimum range for an 81 millimetre round would be 1,120 metres, while the minimum range for a 120 millimetre round would be 1,340 metres; and

(h) from a determination of the distance from the roof of the surrounding buildings and crater number 1, the team concludes that both shells must have come from the Serbian side of the confrontation line, approximately 300 metres south of Lukavica Barracks.

8. On 1 July 1993, the WCIT visited the University clinical hospital in Sarajevo. The WCIT also interviewed persons injured as well as witnesses. Because of the confidential and prosecutorial nature of the reports, they are not disclosed herein.

9. On 1 July 1993, the WCIT went to Dobrinja, where it met with a member of the BiH State Commission for War Crimes. He provided the WCIT with a list of wounded and injured persons from this incident. Perusal of the list shows that 13 persons were killed as a result of this occurrence, while 133 were injured. The injuries consisted of fractured limbs, abrasions, shrapnel wounds, and the like.

10. While in Dobrinja, the WCIT intended to visit the scene in order to make measurements and take photographs. Information from UNPROFOR officials indicated that the area is on or near the front line, riddled by sniper and heavy machinegun fire, and that the approaches may be mined. It was therefore decided not to go to the scene. At this time, the WCIT received a detailed map of the Dobrinja area.

11. The BiH War Crimes Commission advised the WCIT that any documents relating to the incident would be in the custody of the Chief of Police for Dobrinja.

12. On 2 July 1993, the WCIT visited the Dobrinja Police Station, where it met with the Chief of Police. It was advised that all investigative material

relating to the incident had been forwarded to the Main Police Station in Sarajevo. While at the Main Police Station, the WCIT was informed that materials regarding the mortar attack could be obtained at the Security Services Center.

13. That same day, the WCIT visited the Security Services Center, where it was advised that there was no investigation conducted into the matter by civil authorities, although the BiH military may have made enquiries. The WCIT was further advised that the Center was investigating the organizers of the tournament and that BiH television may have video footage of the event. It would appear that, inasmuch as UNPROFOR authorities had attributed the incident to the Serbian military, this was sufficient for the Security Services Center.

14. On 2 July 1993, the WCIT went to Sarajevo Airport, where it met with a member of the Meteorological Section. He provided the records for 1 June 1993, which showed that the visibility at the time of the incident was 10 kilometres with calm winds.

15. Plans to interview up to 10 witnesses in the Dobrinja area on 3 July 1993 had to be abandoned due to severe shelling in Sarajevo and Dobrinja. Efforts to conduct these interviews on 4 July 1993 were also canceled as a result of heavy fighting in and around Dobrinja and Sarajevo Airport.

16. On 4 July 1993, a copy of a map of Dobrinja was received from UNPROFOR officials. This map shows that the soccer game was held in a location surrounded on three sides by buildings (west, east, and south). In addition, it was explained that there were BiH mortars located outside the hospital approximately 500 metres from the soccer location, however, these were not observed during the WCIT's visits to the Dobrinja area.

17. On 4 July 1993, the WCIT went to the Serbian Liaison Officer's office in the Sector Sarajevo headquarters of UNPROFOR. There it explained that it was conducting an investigation regarding the matter, and that allegations had been made regarding Serbian involvement in the incident. The WCIT was advised that all such enquiries would have to be made to the Liaison Officer in Lukavica Barracks.

18. On 4 July 1993, the WCIT went to the site and interviewed an eyewitness. Because of the confidential and prosecutorial nature of the information, it is not disclosed.

III. FINDINGS

19. To date, this investigation has revealed that:

(a) on 1 June 1993, a soccer tournament was in progress in Dobrinja when two mortar rounds fell at about 10:20 a.m.;

(b) 13 persons were killed, and another 133 were injured as a result;

(c) the weather at the time was clear and sunny, and visibility was good; and

(d) an UNPROFOR crater analysis of the scene indicates that the shells came from the Serbian side, approximately 300 metres south of Lukavica Barracks.

20. Other investigative steps relating to this case may include interviews

with Serbian officials as well as other witnesses.

21. In connection with this report, the following documents have been transmitted to the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia in The Hague: UNPROFOR shelling report; medical report; statements; audio and video tapes; list of casualties; maps of Dobrinja; meteorological records; and crater analysis.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX VI.B
THE BATTLE OF SARAJEVO AND THE LAW OF ARMED CONFLICT

Prepared by:

William J. Fenrick
Member and Rapporteur on On-Site Investigations,
Commission of Experts Established Pursuant to
Security Council Resolution 780 (1992)

and

Major A.J. van Veen, Canadian Armed Forces;
Member of Canada's Contributed Personnel
to the Commission of Experts

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I. METHODOLOGY

1. This study was conducted by the Rapporteur for On-Site Investigations and Major A.J. van Veen. They were part of an investigative group consisting of the Rapporteur, a representative of the Secretariat, and the Canadian War Crimes Investigation Team (WCIT), which was comprised of three military lawyers and four military police investigators. The group was deployed to the territory of the former Yugoslavia for the period of 20 June to 10 July 1993 and was in Sarajevo from 24 June to 8 July 1993. The WCIT, as a whole, consisted of military personnel from the Canadian Office of the Judge Advocate General, as well as military investigators who were seconded from Canada to the Commission of Experts for specific missions. The teams were referred to within the Commission and for the purposes of its reports, as the Canadian War Crimes Investigation Team.

2. The writers, both of whom have a background in military operations and in the law of armed conflict, visited Sarajevo from 24 June 1993 to 6 July 1993. During that period of time they visited a number of incident sites in Sarajevo, including Dobrinja, where civilians at a soccer game were killed by mortar fire on 1 June 1993; the National Library, which had been gutted by Bosnian Serb Army (BSA) artillery fire; the Brewery, where people standing in line for water were killed by mortar fire; and the Koševo Medical Centre and the Bakery, both of which had been hit several times. As the normal mode of transport for team members was armoured personnel carriers, and as the team was discouraged from travelling to certain areas and from moving about in open areas, it rapidly became apparent that attempting an in-depth look at property damage was not practicable.

3. The team met with several officials from Bosnia and Herzegovina (BiH), including City officials; General Delić, the commander of the BiH Army; General Hajrulahović, the commander of BiH forces in Sarajevo; members of the BiH State War Crimes Commission; and Professor Smajkić of the BiH Committee for Health and Social Security. The team discussed casualty figures at some length with Dr. Smajkić and obtained a nearly complete set of The Bulletin, which is produced in Bosnian and English. The team also obtained a certain amount of background information, most of it written in Bosnian from the State Commission and from city officials. The State Commission was preparing a chronology of the battle, but it was not available at the time of the writers' departure. The team was unable to visit the BSA side during the investigation.

4. The team, in particular Major van Veen, met with several UN Military Observers (UNMOs) and with a wide range of officers in the UN Protection Forces (UNPROFOR), both in Sarajevo and in Kiseljak. All were most helpful and forthcoming in their comments, but it is inappropriate to mention these officers by name either here or in the text. They received a substantial amount of information from UNPROFOR, including maps, oral briefings, and a complete set of the HQ BiH Command Weekly INFOSUMS from numbers 1 to 36, and editions 3 and 5 of Bosnia-Herzegovina Warring Factions (apparently editions 1, 2, and 4 are very difficult to locate). These materials, together with a preliminary version of the Draft Study of Sarajevo Battle and Siege, prepared by the Chairman and his staff at the International Human Rights Law Institute at DePaul University (IHRLI), provided the basis for the first draft of the military history and analysis portion of this report prepared by Major van Veen. Although both team members were involved in the writing of this report, Major van Veen was primarily responsible for those sections concerned with the battle organization and tactics, while Commander Fenrick was primarily responsible for the sections concerned with legal issues. The assistance of Lieutenant Commander Phillips of the Office of the Judge Advocate General in analysing the casualty statistics is gratefully acknowledged.

5. This study is a non-exhaustive survey of armed conflict issues arising during the siege of Sarajevo. As the investigators did not have an opportunity to visit BSA forces during the investigation, they were not exposed to allegations of BiH misconduct during the siege unless the allegations came from UN sources. The study focuses on combat-related offences, unlawful targeting, and the use of unlawful means and methods of warfare.

6. The objective of the study was to prepare an analytical survey of the entire battle of Sarajevo, focusing on the major violations of the law of war which have occurred and attempting to impute command responsibility.

7. A consolidated chronology of the battle has been prepared, including a chronology of civilian casualties and a chronology for military units and commanders. These chronologies rely heavily on work which has been done by other entities.

8. It is understood that the Chairman's staff at IHRLI has completed an analysis of the battle relying on documentation in the database. However, this analysis was not available for use during the study.

II. CONSIDERATIONS

9. An analytical study of the battle as a whole, conducted in the same period of time as a study of a selected incident, is bound to be more impressionistic and superficial than the latter study. It is much less likely to result in the development of specific prosecutable cases. The survey approach may, however, result in the development of numerous insights and suggestions worth following up at a later time by teams which are focusing on the development of specific cases.

III. BACKGROUND

10. Sarajevo is the capital city and the economic, political and cultural centre of BiH. The 1991 census indicated that the municipality of Sarajevo, which included the city and some surrounding areas, had a population of 525,980 and occupied 2,049 sqare kilometres The population was 49.3 per cent Muslim, 29.9 per cent Serb, 6.6 per cent Croat, 10.7 per cent Yugoslav, and 3.5 per cent "others". Presumably, many members of the group referred to as "Yugoslav" would also have been entitled to classify themselves as "Muslim", "Serb" or "Croat", if they so wished. The population of Sarajevo constituted 11 per cent of the population of BiH.

11. Sarajevo occupies a long, narrow valley on the banks of the Miljacka river. It is in a valley dominated by the steep mountain slopes and ridges of Trebević, Jahorina, Igman, and Bjelašnica, all of which abut directly on the city. The city consists of a dense core, surrounded by a number of quarters which reach up the various slopes and several municipalities located in open ground at its western end. The existence of Sarajevo was first recorded after the Roman conquest of the area in the first century A.D.. The Slavs later colonized the area and erected a castle which can still be seen in the south-east of the city. In 1428 the Turks captured the castle and named the area Seraglio, from which the city takes its name (Sarajevo means "Palace in the fields"). In reality, the native Slavs who had been converted to Islam ruled the city. Sarajevo became renowned for being a prosperous and luxurious city during the Ottoman period. In 1878, the city was assigned to Austria by the Treaty of Berlin. Hatred of the Austrians increased, fed by South Slav (Yugoslav) nationalist fervour. In 1991, a Bosnian Serb student assassinated the Archduke Franz Ferdinand in Sarajevo, setting in motion World War I. The

old part of the city dates from the Turkish and Ottoman Empires. The new part of the city was planned in the Grbavica area, which developed a main electronics and metal industry to supply parts to other areas of the former Yugoslavia.

12. In November and December 1990, multi-party parliamentary elections were held in BiH, which was then one of the constituent republics of the Socialist Federal Republic of Yugoslavia (SFRY). The Muslim-based Party for Democratic Action (Stranka Democratske Akcije or SDA) won the majority of seats with 86 seats in Parliament, followed by the Serbian Democratic Party (Srpska Demokratska Stranka or SDS) with 72, and the Croatian Democratic Party (Hrvatska Demokratska Zajednica), which received 44. The remaining parties received 33 seats. The seven-member Presidency, elected by the parliament, included representatives of all three major parties. Alija Izetbegović, the SDA leader, became President of the BiH Presidency. Problems in achieving consensus between national groups in BiH intensified, as the first declarations of independence were made by Croatia and Slovenia in June 1991. Soon after, in October, Muslims and Croats discussed the eventual secession of BiH from the SFRY, which Serb politicians totally opposed.

13. In December 1991, the Muslims and Croats applied for diplomatic recognition by the European Community (EC). On 9 January 1992, Bosnian Serbs declared that they would form their own state, the "Serbian Republic of Bosnia and Herzegovina" (SRBiH), if BiH was recognized as independent. They claimed territory in six regions of BiH where they were the dominant ethnic group. A referendum on independence was held throughout BiH on 1 March 1992, in order to satisfy a condition imposed by the EC for recognition. The results indicated that 63 per cent of eligible voters participated in the vote and 96 per cent of the voters opted for independence. However, local SDS administrations refused to cooperate, a number of polling stations were not opened, and many Serbs boycotted the poll and declared it invalid. After the results of the referendum were announced, President Izetbegović declared the republic independent and called for international recognition.

14. Ethnic tensions gradually increased soon after the declaration of independence by Croatia and Slovenia in June 1991. Many factors contributed to the escalation of violence, among them, the Yugoslav People's Army (JNA) and Serbian irregular forces stationed in BiH that launched attacks on Croatia, and the arrival of JNA troops withdrawing from Croatia, adding to the presence of Serbian paramilitary groups already in BiH. Clashes involving armed civilians, police, and paramilitaries of all nationalities occurred throughout 1991 and early 1992. Armed conflicts intensified and became widespread during and after the March referendum on independence. Consequently, the President of BiH, on 6 April 1992, declared a state of emergency and mobilized territorial defence units. Violence eventually escalated to a full-scale war in early April, almost immediately after the international community recognized the independence of BiH. On 6 April 1992, the EC voted to recognize the independence of BiH. The United States and Croatia followed suit on 7 April, Canada on 8 April, and so did members of the international community, including the Arab World, all in early April.

15. On 7 April 1992 in Banja Luka, Bosnian Serbs declared the independence of the SRBiH and claimed two thirds of the new state's territory. Serbian irregular forces from BiH, and JNA units stationed in BiH, paramilitary groups from Serbia and Serbian-controlled territory in Croatia launched, or participated in, attacks throughout BiH, in the hope of preventing all or part of the republic from seceding. Muslim forces of the BiH Government, Bosnian Croats, and Croatian Army units sent from neighbouring Croatia responded to these atacks. By mid-April, the self-proclaimed SRBiH controlled approximately 70 per cent of BiH territory.

IV. THE BATTLE

16. A detailed history of the Battle of Sarajevo remains to be written. The battle began in April 1992, at a time when the JNA still had troops stationed in barracks in Sarajevo. On 27 April 1992, the Serbian and Montenegrin members of the SFRY parliament voted to adopt a new constitution for the Republic of Yugoslavia (FRY) consisting of Serbia and Montenegro. FRY promptly declared it had no territorial claims on neighbouring republics. On 4 May 1992, the FRY Presidency announced that all members of the JNA who were nationals of the newly proclaimed FRY were to leave BiH within fifteen days. The fighting in Sarajevo for the first significant period of time involved both JNA forces, more or less penned up in their barracks, and Serb forces surrounding the city. JNA forces do not appear to have completed their withdrawal from Sarajevo until 6 June 1992, when JNA troops and their dependents confined in the Maršal Tito Barracks were permitted to evacuate in an 80-vehicle convoy. Since the completion of the withdrawal of JNA troops from the city, the battle had been a siege, with BSA forces occupying the hills surrounding the city and some of the suburbs and BiH forces in the city with the bulk of civilian population. Attachment VI.A.1 is an anecdotal account based on weekly reports prepared by the UN following the establishment of the BiH Command (BiH Comd) by UNPROFOR on 23 October 1992. It gives an impressionistic picture of the battle from one perspective and is no substitute for a comprehensive history.

A. Organization, command, control, and equipment

17. The SFRY relied on a strategic doctrine titled "peoples defence". This doctrine accepted that either a forward defence, or border perimeter defence, of Yugoslavia was strategically futile. Accordingly, based on its World War II experience, and consistent with the extremely rugged terrain, Yugoslav defence was oriented to a concept of operations based on partisan warfare. During World War II, Maršal Tito, by mounting remarkably effective guerilla warfare on a nationwide scale, kept some twenty divisions tied down. This guerilla campaign centred on territorial local forces whose intimate knowledge of the local terrain, coupled with a basic self-sufficiency in most weaponry, amplified their effectiveness to a degree which made the occupation of Yugoslavia prohibitively expensive in military terms. In the modern doctrine of "peoples defence", this success was built upon.

18. Apart from the regular JNA, local territorial forces were equipped and organized to function on a stand alone basis in their own localities. In accordance with doctrine, stores of weapons, munitions, and matériel were dispersed throughout the country, a factor that played directly into the hands of the regional interests that arose as Yugoslavia dissolved. These territorial forces were doctrinally, tactically, operationally, and emotionally wedded to operating in their local areas. This factor has been illustrated fully in that the factions in BiH have been unable to mass sufficient troops to achieve a concentration of forces.

19. At the beginning of the siege, BiH forces in the Sarajevo area composed 1st Corps Sarajevo. From the beginning of the siege to the date of writing, the commander of this corps has been Mustafa Hajrulahović, with his headquarters located in Sarajevo. With the exception of his Deputy Chief of Staff, Ismet Alija, who was replaced by Esad Pelko in the spring of 1993, Hajrulahović's senior staff has remained unchanged, with Vahid Karavelić as Deputy Commander and Asim Džambašović as Chief of Staff.

20. BiH I (Sarajevo Corps) was originally organized as three Operational Groups: Visoko, Sarajevo City, and Mount Igman. This 40,000 strong force was

further divided into one mechanized infantry brigade, three motorized infantry brigades, seven mountain brigades, an artillery brigade, an air defence regiment, one territorial defence force brigade, and a special forces unit of undetermined composition. BiH I (Sarajevo Corps) has been recently recrganized and the Visoko Operational Group has been placed under command of BiH 3 Corps. The purpose of the reorganization has been to enhance command and control, increase political and military reliability, and streamline the command structure. In furtherance of this goal, a large number of inexperienced or untrained personnel at command level were replaced at brigade and battalion level with ex-JNA. Currently, BiH I (Sarajevo Corps) is divided into 10 infantry brigades plus a logistic brigade, air defence regiment, military police battalion, an artillery brigade, an anti-sabotage unit, and a special forces group under direct command of the Minister of Internal Affairs Bakir Alispahić. The HVO brigade, formerly commanded by the civilian head of HVO in Sarajevo, Slavko Zelić, is now commanded by Ivan Vulić with Franjo Taljanić, who has been Chief of Staff since the beginning of the siege. There is a second HVO special action unit of indeterminate size which reports directly to the HVO members of Sarajevo city council. The reorganization has reduced BiH I (Sarajevo Corps) to a more manageable strength of approximately 25,000 to 30,000. Of these, some 8,000 to 9,000 are normally on the front line.

21. A number of sources indicate that the BiH forces in Sarajevo are facing a severe shortage of munitions, particularly for their heavy weapons. BiH has indicated that it has a significant manufacture capability in the city, but this seems to be limited to the provision of small arms and light mortar ammunition. Nevertheless, sources estimate BiH I (Sarajevo) Corps' heavy inventory as follows:

(a) seven to 10 T55 tanks with 100 millimetre guns and no infra-red capability;

(b) 10 to 15 APCs of various types including BTR 50 and BTR 152 equipped, with either 12.7 or 14.5 millimetre heavy machine-guns;

(c) 15 to 20 artillery weapons, a mixture of 85 millimetre recoilless rifles, 122 millimetre D30 howitzer and 155 millimetre howitzers of indeterminate origin; and

(d) 40 to 50 mortars, of either 82 or 120 millimetre with some mounted on vehicles for enhanced mobility.

In short, the BiH forces are overwhelmingly infantry heavy, with limited sustainability and insufficient assets for combined operations on any significant scale.

22. Control of BiH forces seems to be difficult at best. BiH forces in the city are relying on telephone and easily monitored "Motorola" hand-held transmitters. Further, there appears to be friction between the Army and the Presidency and the opposition regarding the line of authority. On a series of occasions, outside sources have observed the erection of checkpoints and the repositioning of heavy weapons in support of what appears to be domestic brinkmanship.

23. A final potential difficulty in the BiH command and control relationship in the city is the position of HVO troops. These troops, reporting directly to HVO political authority, constitute a wild card in the BiH hand. As open war breaks out between BiH and HVO forces in the rest of BiH, the loyalty and effectiveness of these troops in support of BiH operations and objectives is an open issue.

24. The July 1993 BiH order of battle at Sarajevo appears to be as follows:

(a) 101 Brigade--Novi Grad: Commander--Nedžad Ajnadžić; Chief of Staff--Vahid Čebo;

(b) 102 Brigade--Stup: Commander--Esad Paldum; Deputy Commander--Mustafa Džebo; Chief of Staff--Amir Čorbo;

(c) 1st Mountain Brigade--Stari Grad: Commander--Mustafa Zulić; Chief of Staff--Zijad Boreženović;

(d) 2nd Mountain Brigade--Vratnik, Vasin Han: Commander--Sahin Puškar; Deputy Commander--Atif Adžić; Chief of Staff--Safet Džaferović;

(e) 1st Mechanical Brigade--Vogošća--Žuč: Commander--Enver Šehović; Chief of Staff--Ibrahim Dervišević;

(f) 2nd Motorized Brigade--Rajlovac: Commander--Safet Zajko; Deputy Commander--Safet Isović; Chief of Staff--Enin Suljagić;

(g) 5th Brigade--Dobrinja: Commander--Ismet Hadžić; Chief of Staff--Halil Bičaj;

(h) 9th Motorized Brigade - Koševo, Grdanj;

(i) 10th Motorized Brigade - Skenderija; and

(j) HVO Brigade (Kralj Tvrtko)--Grbavica: Commander--Iva Tulić; Chief of Staff--Franjo Taljanić.

25. A final factor having a potential bearing on the BiH command and control structure is the ethnic mix of BiH 1 (Sarajevo Corps). Currently the Corps is thought to have the following ethnic mix: 15 to 20 per cent Serb; 5 to 10 per cent Croat; 10 to 15 per cent Yugoslav; and 55 to 70 per cent Muslim.

26. The BSA forces around Sarajevo from the onset of the siege in April 1992 are troops of the Sarajevo Romanija Corps commanded by Major General Tomislav Šipčić and are now commanded by Major General Stanislav Galić, both ex-JNA regular officers. This Corps consists of eight brigades. The troops, consistent with the former Yugoslavia "peoples defence" doctrine, are mainly from either the local area or from Sarajevo itself. A number of factors have made it possible for the BSA to develop a more sophisticated command and control structure than BiH:

(a) the besiegers' organization and positions have, by and large, remained static throughout the siege;

(b) the force does not have the difficulties with ethnic mix as does BiH 1 (Sarajevo) Corps, which is virtually all Serbian;

(c) the vast majority of commanders at battalion, brigade, and corps level are ex-JNA regulars, as is a cadre of NCOs and company grade officers;

(d) the Sarajevo Romanija Corps has enjoyed, for the most part, command continuity over the entire period of the siege;

(e) permanent, secure land line communications have been established, thereby permitting well-coordinated artillery fire planning;

(f) local commanders have been granted the freedom for fire of opportunity with their heavy weapons and the initiative to use those weapons in local reprisals for BiH sallies; and

(g) the BSA concept of operations, being primarily militarily defensive and psychologically offensive, is straight forward.

27. Galić's Corps Headquarters is located at Lukavica on the high ground, with an excellent view of the entire western half of the city. Based on the pattern of heavy artillery fires, it appears that Galić has excellent control of his artillery assets. On a series of occasions, this fire has been simultaneously directed from a number of directions with coordinated time on target (TOT). Further, Galić's logisticians have shown themselves to be adept at replenishing the vast amount of munitions fired quickly across the tortuous highland road and trail system. Galić is thought to have approximately 600 pieces of artillery at his disposal and has demonstrated a high skill at its tactical use.

28. The besiegers, numbering some 13,000 troops, are formed into nine brigades based on their original territorial units. Of these, eight brigades actually occupy the siege line. These brigades each have an area of operations with which they both: a) have a territorial affinity, and b) have occupied on a semi permanent basis.

29. These brigades are as follows:

(a) Sarajevo 1st Brigade--Lukavica: Commander--Lieutenant Colonel Stojanović;

(b) Rajlovac Brigade: Commander--Lieutenant Colonel Miroslav Bandžur; Chief of Staff--Miroslav Radić;

(c) Koševo Brigade--Radava: Commander--Miroslav Krajišnik;

(d) Ilidža Brigade Ilidža: Commander--Colonel Radojčić;

(e) Vogošća Brigade Vogošća: Commander--Miloš Delić; Chief of Staff--Robert Evanovski;

(f) Romanija Brigade--Grbavica: Commander--M. Petković;

(g) Nedžarići Brigade--Idejkovići: Commander--Mijović Dragan;

(h) Trebević Brigade and at Igman mountain outside the perimeter; and

(i) Blažuj Brigade Blažuj: Commander--M. Čojić.

30. In addition to the brigade commanders, Colonel Zdravko Zgonjanin, as Chief of Police for Boundaries, with his deputy Goran Zubac have been responsible for the interdiction of Bosnian personnel and refugees across the international zone at Sarajevo Airport.

31. Like the BiH forces, the BSA use essentially ex-JNA equipment:

(a) Tanks--T55 and M84;

(b) Howitzers--155, 152, 130, 120 and 105 millimetre;

(c) MLRs--truck mounted 122 millimetre;

(d) anti-tank--fired direct fire artillery 100 meters T100;

(e) Anti-Aircraft Artillery (AAA)--57 millimetre, 40 millimetre, 3 by 20 millimetre Oerlikon, dual 14.5 millimetre, 14.5 millimetre and 12.7 millimetre; and

(f) mortars--82 millimetre and 120 millimetre.

B. Tactics used during the battle

32. As of early July 1993, the strategic situation at the siege of Sarajevo is one where the Serb forces continue to dominate much of the perimeter of the city more for the political significance it holds than for any intention of gaining possession of the city at this time. BiH forces do not appear to be able to amass adequate fighting power to effectively break the state of siege. From a tactical perspective, it is essential to note that, at this stage of the conflict, the siege, while of tremendous political and military significance, is not the main focus of BiH, BSA, or HVO activity. The BiH forces are conducting a major offensive in central BiH, and fighting at various levels of intensity is occurring in the periphery. As a consequence, the operations at Sarajevo have developed into a classic siege, with neither side being in possession of either the will or the military ability to force a conclusion. Nevertheless, both sides have maintained a high tempo of violence.

33. Tactics in Sarajevo and its environs are influenced by a correlation of several factors:

(a) The unique combination and proximity of both prominent high ground and developed urban terrain;

(b) the actual force structure of the warring factions;

(c) the limited ability of both parties to consolidate and reconstitute those forces for subsequent combat operations;

(d) the extremes in weather, which have been particularly telling for troops exposed on the surrounding hill features;

(e) the state of the various intermittent political negotiations; and

(f) the presence of influential external elements, in particular the various arms of the United Nations and, of at least equal importance, the world media.

34. Serb forces have a preponderance of heavy weapons and large stocks of munitions of all calibres. It is apparent that the BSA was able to obtain large stocks of ex-JNA inventory. However, the Serbs suffer from a distinct manpower shortage, with estimates at about 13,000 persons. As the BSA has been hard pressed at Goražde, central and northern BiH, the Bihać area, and the Posavina corridor, there has been no influx of new troops and no rotation of besieging units. Specialist gunners for the heaviest ordinance are moved around the perimeter, as there are more gun positions and 155 millimetre weapons than crews to man them. However, local commanders have the full freedom to use their unit's heavy weapons. As such, the individual unit determines the scale and target of both harassing and interdiction fire.

35. The BiH, as an infantry force, has limited capabilities at best. The areas of vital concern are the high ground, along the steep ridges surrounding

the city, and the open ground at the west end between the airport and the Butmir/Igman mountain positions. BiH activity has focused on four basic objectives:

(a) the seizure of the high ground to interrupt Serbian direct line of sight/line of fire into the city;

(b) the seizure of key mountain roads to isolate Serbian positions on the various high features;

(c) the opening of a land corridor through the west end of the city, through the municipality of Ilidža, to break the siege and link up with the BiH main body; and

(d) focusing as much international attention as possible on the situation in Sarajevo as a means to obtaining international assistance and sympathy.

36. The BiH army has dispersed its forces throughout the city, as any concentration of forces or permanent deployment of assets would bring down an unsustainable weight of fire from the commanding hills. To that end, those defenders not actually manning the perimeters or engaged on duty are quartered at their homes. The weapons shortage is so acute that, on shift change, reports have been received that the new replacements are "handed off" the small arms of the previous shift. None the less, the BiH has conducted an aggressive mobile defence. Heavy weapons are not dug-in in fixed emplacements. Rather, they are hidden throughout the built-up areas and shifted to preclude counter-battery fire. As use of these weapons always provokes a disproportionate Serb response, the BiH army has given its weapons, most notably its mortars, significant mobility by mounting them on the backs of trucks.

37. The BiH army also employs the classic infantry tactics but is limited to smaller unit actions by three factors: lack of supporting firepower, a lack of logistics sustainability, and the Serb ability to detect and target the staging of any forces of above-company strength. Consequently, BiH has primarily employed small-unit tactics. The BiH army, like the Serbs, has employed a high level of sniping. This tactic has stimulated direct reprisal by BSA artillery fire, as specifically indicated by them during the week of 14-20 March 1993. Included in this sniping is the use of AAA in the direct fire anti-personnel mode, particularly in support of the snipers. The BiH forces have also indulged in sporadic indirect and small-arms fire, most notably with their mobile 82 millimetre and 120 millimetre mortars.

38. The majority of BiH attacks are of platoon-plus size, with a minimum of preparatory artillery fire, although supporting fire has been received from main-body positions on and around Igman mountain. With the advantage of interior lines of communication and the ability to achieve local tactical initiative, BiH forces have conducted a series of deliberate pre-dawn attacks aimed at high features, Serbian strong points, and vulnerable supply routes. BSA counter-attacks have usually involved severe artillery fire. The common scenario appears to be an initial BiH success followed by an inability to consolidate due to a lack of sustainability of logistics and supporting fire under the weight of Serbian counter-fire from heavy weapons. BiH casualties are high due to the following factors:

(a) most attacks involve frontal assaults against fixed emplacements and bunkers equipped with crew-served automatic weapons;

(b) BSA positions have superb positions of observation and fire with pre-registered killing zones;

(c) the BSA has confirmed night vision capability;

(d) the BSA has pre-registered defensive fire plans, including final defensive fire (FDF), on their own positions; and

(e) the presence of significant armour resources permits the deployment of high-flexibility, high-intensity reaction forces, where the terrain permits.

39. None the less, BiH tenacity has been such that the perimeter integrity has, by and large, been maintained.

40. BiH has also mounted large numbers of platoon-size trench raids. These raids have limited tactical objectives, such as the reduction of a particularly bothersome strong point, the elimination or capture of Serb heavy weapons, the capture of BSA personnel, or the diversion of attention from surreptitious crossings at Sarajevo airport or other movements. These operations are of limited size and duration and conclude with a withdrawal to the main perimeter. Due to the factors listed above, coupled with an apparent deficiency in coordination, BiH is unable to exploit tactical opportunities created by these raids. This problem with coordination inhibits larger scale operations. One example of this was an abortive three brigade attack south of Sarajevo from Mount Igman towards the Butmir area on 25 January 1993. Coordination collapsed as regards timing, fire support, and manoeuvre, to the point where the operation rapidly degenerated to a confused series of local platoon attacks and counter-attacks. More successful has been the BiH tactic of long range infiltration into BSA lines. This infiltration has the objective of sabotaging or capturing BSA equipment. This equipment most notably includes tanks, gun emplacements and logistics stores. While BiH has exaggerated the success of these raids to include the accidental destruction of a large BSA ammunition dump, the raids have had sufficient effect to divert BSA overtaxed reserves of manpower for enhanced "rear area" security.

41. In the static defence mode, BiH tactics have followed the conventional techniques for the defence in Fight in Built-Up Areas (FIBUA) operations. The use of mutually supporting strong points, communication trenches and tunnels, jury rigged barricades to block fire, movement and observation are all common. Due to the constant sniper fire, key crossroads, particularly on the north/south streets, have been shielded to facilitate pedestrian and vehicular movement. There are unsubstantiated reports that the BiH has expanded the sewer system and built underground factories, command posts, and hospitals. What has been substantiated was the existence of a steel reinforced tunnel approximately 1.4 metres under the airport from Muslim held Butmir to the Dobrinja quarter in the southwest of the city. That tunnel was detected and flooded.

42. BSA objectives in the siege are much less complex than those of BiH. The Serb concept of operations appears to be the extension of the siege as a focus of political negotiations, activity, and propaganda intended for political leverage rather than military advantage. Notwithstanding, the tempo of BSA operations can be intensive for protracted periods. Their overriding tactical concern is their shortage of manpower. The current manpower situation is such that a definitive BSA military solution is unattainable until forces can be shifted from other areas of operation. The eight BSA brigades are inordinately well equipped with dedicated artillery and mortar assets. Estimates range from between 600 and 1,100 artillery and mortar weapons and do not include the large inventory of heavy calibre AAA weapons

and tanks. Based on its concept of operations, BSA tactics are primarily defensive and reactive in nature.

43. From their entrenched and rivetted positions on the high ground around the city, BSA gunners can strike at any part of the city with relative impunity. The following factors reinforce the predominance of the BSA reliance on artillery:

(a) the high ground offers an unimpeded view of the city with direct lines of sight and, frequently, lines of fire;

(b) for the weapons systems employed, ranges are virtually point blank;

(c) ample munitions for the weapons are in situ;

(d) many of the gunners are locals and as such are familiar with the layout of the city; and

(e) the duration of the siege has permitted the detailed registration of the guns.

44. The BSA has employed its artillery in two ways. The first is for traditional purposes, such as close support for assaults, counter-attacks by fire, defensive fires against BiH forays, the harassment and interdiction of BiH supply lines and staging areas, area denial, the reduction of BiH strong points and entrenchments, and counter-battery fire. The second is for the express purpose of terrorizing the besieged populace. In the conventional role, the BSA use of artillery has been highly effective. On 8 December 1992, for example, when BiH forces attacked various access routes in the northern boundary of the perimeter, the BSA responded with heavy shelling and a quick counter-attack on the high feature at Žuč. The position was isolated on three sides by a curtain of shells, the position was taken, and the BiH counter-penetration attack was broken up by a massive barrage employing the full range of fuses including air burst, delay, and point detonating.

45. It is the second tactic, that of using heavy artillery as a weapon of terror by the BSA, that is most controversial. Some of the shelling into the populated quarters of the city may well have a bona fide military objective, such as counter-battery fire on the elusive BiH tubes. However, the sheer weight of fire precludes any discussion of proportionality. The BSA has indicated, both by its conduct and by direct comment, that shelling of the built-up areas is conducted for the express purpose of reprisal for BiH sniper fire, raids, barrages, and attacks along the perimeter. Further, this shelling has followed a pattern consistent with life under siege. Shelling routinely occurs at dawn and at dusk and is random in both source and target. There are allegations that civilians are being targeted at schools, parks, sports fields, water and food distribution points, hospitals, and cemeteries. As a variation on this theme, BSA gunners have used AAA in the form of 20 millimetre and 14.7 millimetre auto cannon in the direct fire, anti-personnel mode, directly targeting individual civilians as they move through the city. There are numerous recorded instances where this fire has been directed at UN and relief personnel and activities. As regards the destruction of cultural properties, there has been some evidence to suggest that BiH forces have stationed or positioned weapons either directly in, or in close proximity to, these structures. However, as stated earlier this alone would not account for the sheer volume of fire directed at them. Further, UN sources indicate evidence that city utilities are being directly targeted with predictable effects on the populace.

46. The entire city is under constant BSA small-arms fire. Some of this fire is sporadic or originates from the area of the confrontation line. It should be noted, though, that the majority of this fire is from specifically dedicated snipers, with medium and heavy machine-guns. This fire is directly targeted at any person or vehicle in the perimeter and is completely random. One observed technique is to bring down a victim, wait, and then engage rescuers, including marked ambulances and UN vehicles. Persons on the BSA side have observed numbers of snipers equipped with specialized weapons for their operations. The overwhelming number of casualties from this continuous sniping and sporadic shelling are civilians. The sniping and shelling incidents escalate directly in relation to the lack of tangible results in negotiations. It should be noted that: a) local commanders have the full freedom to use their heavy weapons; and, b) the collapse of negotiations reduces the control over local leaders. It should be stressed, however, with shelling that varies from 20 to 2,400 impacts per day, with an average of 200 impacts recorded per day, the required logistics impute constructive knowledge of this targeting to the higher echelon commanders.

47. As regards offensive tactics, the BSA is not keen to participate in FIBUA operations for a number of reasons:

(a) its concept of operations does not, as yet, require the taking of further ground in the Sarajevo perimeter;

(b) its current selected aims are satisfied by the existing tactical situation;

(c) FIBUA operations are too infantry intensive; and

(d) as indicated during an attack of the city in the Otes district on 21 December 1992, the BSA has experienced disproportionate casualties in both personnel and equipment, especially tanks, with respect to the advantage gained.

48. In the open areas to the west of the city, the BSA has fared better in combined arms operations. The BSA employs armour in company strength plus (10-20 tanks) supported by APC's and artillery. The combination of the rugged hill features and urban terrain, together with the BiH's effective use of its anti-armour weapons and obstacle plan, have relegated the armour to two secondary roles: mobile artillery and rapid reaction for counter-attack or counter-penetration.

49. The BSA is capable of terrorizing Sarajevo in its geographic entirety with its heavy weapons but cannot force the fall of the city from a strictly military view. In contrast, the BiH can, at the present time, deny the urban terrain to the BSA but cannot break the siege. The key elements, as both realize, are the civilian population and, through them, international pressure.

C. Casualties

50. It is extremely difficult to determine precise civilian casualty figures during an armed conflict. The Committee for Health and Social Security of Citizens of the Ministry of Health of BiH, headed by Professor Dr. Arif Smajkić, has been publishing a weekly publication, The Bulletin, which has attempted to capture total casualty figures for Sarajevo alone and for BiH as a whole. A meeting with Dr. Smajkić convinced the writers of this report that he is making a good faith effort, under enormous difficulties, to compile accurate figures. Unfortunately, for whatever reasons, although all

practicable efforts have been made to compile total casualty figures resulting from military activity, relatively little effort has been devoted to distinguishing between civilian and military casualties.

51. In compiling the tables which follow, all copies of The Bulletin from 3 June 1992 (Number 8) to 28 June 1993 (Number 63) have been reviewed. The totals in the 28 June 1993 issue might be noted. By that time, it was estimated that 8,934 persons had been killed in Sarajevo due to military activity (including 1,418 children) and 52,518 persons had been heavily wounded (including 13,738 children). The vast majority of these casualties were non-combatants and not legitimate objects of attack. If there are eventually to be prosecutions for attacks on the civilian population in the Sarajevo area, it will be necessary to review the casualty figures held by the Committee to precisely identify combatants and non-combatants, because the combatants are, of course, lawful targets. It must also be noted that the casualty figures in The Bulletin, because of the inevitable problems of gathering such statistics in wartime, have certain gaps and discontinuities. Two inexplicable discontinuities are the enormous increase in the estimate of the cumulative number of persons killed, from 2,349 to 7,468 between 27 September 1992, and 9 November 1992, and the simultaneous decline in the estimate of the cumulative number of persons seriously wounded, from 13,605 to 12,000.

52. Certain issues of The Bulletin contain varying estimates of the percentage of total casualties which are non-combatant casualties:

(a) 2 August and 10 August 1992--70 per cent of total casualties were civilians;

(b) 19 August 1992--75 per cent of total casualties were civilians; and

(c) 27 September 1992--80 per cent of those killed and 75 per cent of those wounded were civilians.

These estimates refer to casualties in all of BiH, not Sarajevo alone. Dr. Smajkić estimates that about 85 per cent of the casualties in Sarajevo itself were non-combatants.

53. The following Table presents some basic statistics from the 1992 and 1993 Sarajevo casualty figures, which are presented in toto in Tables #2 and #3 which follow on the next pages:

Table #1

Year	Statistic	Deaths	Wounded
1992	Average/wk	79.7	506.2
1992	Maximum/wk	172	1,324
1992	Minimum/wk	17	113
1993	Average/wk	33.6	219.0
1993	Maximum/wk	77	421
1993	Minimum/wk	9	58

One can quickly see that the figures for 1993 are approximately 44 per cent of 1992 figures.

Table #2

1992 Weekly Sarajevo Casualties

1992 Bulletin #	Bulletin Date	Deaths			Wounded			
		Reported Total	Reported/ Week	Calculated/ Week	Reported Total	Reported/ Week	Calculated/ Week	Heavily Wounded
8	6/3/92							
9	6/10/92							
10	6/18/92							
11	6/26/92	1,320			6,448			
12	7/3/92	1,359		39	6,716		268	
13	7/11/92	1,420		61	8,040		1,324	
14	7/19/92	1,467		47	8,355		315	
15	7/26/92	1,511		44	8,662		307	
16	8/2/92	1,569		58	9,333		671	
17	8/10/92	1,682		113	9,446		113	
18	8/16/92	1,713		31	9,677		231	
19	8/23/92	1,829	1991	116	10,887	540	1,210	
20	8/30/92	1,954		125	11,649		762	
21	9/6/92	2,037		83	12,293		644	
22	9/13/92	2,123		86	12,789		496	

Table #2

1992	Bulletin Date	Deaths			Wounded			
Bulletin #		Reported Total	Reported/ Week	Calculated/ Week	Reported Total	Reported/ Week	Calculated/ Week	Heavily Wounded
23	9/20/92	2,252	129	129	13,059	796	270	
24	9/27/92	2,349	111	97	13,605	617	546	
25	10/5/92							
26	10/11/92							
27	10/18/92							
28	10/25/92							
29	11/2/92							
30	11/9/92	7,468	61		12,000	314		
31	11/15/92	7,509	24	41	12,142	171	142	
32	11/23/92		17			161		
33	11/30/92	7,579			12,283			
34	12/7/92	7,694		115	13,086		803	
35	12/14/92							
36	12/21/92	7,845						
37	12/28/92	8,017		172	13,886			

Table #3

1993 Weekly Sarajevo Casualties

1993 Bulletin #	Bulletin Date	Deaths			Wounded			
		Reported Total	Reported/ Week	Calculated/ Week	Reported Total	Reported/ Week	Calculated/ Week	Heavily Wounded
38	1/4/93		27			184		
39	1/11/93		14			135		
40	1/18/93	8,155	43		47,573	272		14,285
41	1/25/93		15			139		
42	2/1/93		77		48,105	393		14,592
43	2/8/93	8,281	34		48,315	210	210	14,748
44	2/15/93	8,327	46	46	48,557	242	242	14,894
45	2/22/93	8,373	46	46	48,930	373	373	15,080
46	3/1/93	8,414	31	41	49,068	138	138	15,149
47	3/8/93	8,454	40	40	49,260	192	192	15,290
48	3/15/93	8,484	30	30	49,489	229	229	15,443
49	3/22/93	8,535	51	51	49,860	371	371	15,591
50	3/29/93	8,565	30	30	50,106	246	246	15,759
51	4/5/93		14			72		
52	4/12/93		25					

Table #3

1993		Deaths			Wounded			
Bulletin #	Bulletin Date	Reported Total	Reported/ Week	Calculated/ Week	Reported Total	Reported/ Week	Calculated/ Week	Heavily Wounded
53	4/19/93	8,617			50,458			15,9[illegible]5
54	4/26/93	8,657	40	40	50,663	205	205	16,075
55	5/3/93		31			203		
56	5/10/93	8,713	25		51,002	136		
57	5/17/93	8,722	9	9	51,060	58	58	16,301
58	5/24/93	8,748	26	26	67,616	190		
59	5/31/93	8,789	41	41	51,471	221		16,466
60	6/7/93	8,840	51	51	51,892	421	421	16,608
61	6/14/93	8,871	31	31	52,086	194	194	16,660
62	6/21/93	8,913	42	42	52,307	221	221	16,786
63	6/28/93	8,934	21	21	52,518	211	211	

V. APPLICABLE LAW

54. For the purposes of this report, it is presumed that the law applicable in international armed conflicts applies to the battle of Sarajevo for the reasons indicated in paragraph 45 of the Commission's first interim report (S/25274 of 10 February 1993):

> "45. The Commission is of the opinion, however, that the character and complexity of the armed conflicts concerned, combined with the web of agreements on humanitarian issues the parties have concluded among themselves, justify an approach whereby it applies the law applicable in international armed conflicts to the entirety of the armed conflicts in the territory of the former Yugoslavia."

55. It is presumed that the law applicable in international armed conflicts includes the provisions of Additional Protocol I of 1977 and of the Hague Cultural Property Convention of 1954, as well as the Geneva Conventions of 1949 and the rules of customary law.

56. It is noted that the Statute of the International Criminal Tribunal refers to grave breaches of the Geneva Conventions of 1949 (article 2), violations of the laws of customs of war (article 3), genocide (article 4), and crimes against humanity (article 5). The Statute, for whatever reason, does not refer explicitly to Additional Protocol I of 1977. The standards set forth in Additional Protocol I will be referred to repeatedly in the discussion and analysis that follows because the various parties to the conflict have agreed to apply Protocol I, and because it is assumed that many of the provisions in Protocol I can be considered statements of customary law. It is noted that article 85 (5) of Protocol I refers to grave breaches as war crimes. It is hoped that article 3 of the Statute of the International Criminal Tribunal can be interpreted in such a way as to include grave breaches of Protocol I.

VI. COMMAND RESPONSIBILITY

57. A commander giving an order to commit a war crime is equally guilty of the offence as the person actually committing it. He is also liable to punishment if he knew or had information which should have enabled him to conclude, in the circumstances at the time, that a subordinate was committing or going to commit a breach of the law, and failed to take all feasible steps to prevent or repress that breach. The mental element necessary when the commander has not given the offending order is a) actual knowledge; b) such serious personal dereliction on the part of the commander as to constitute wilful and wanton disregard of the possible consequences; or c) an imputation of constructive knowledge. That is, despite pleas to the contrary, the commander, under the facts and circumstances of the particular case, must have known of the offences charged and acquiesced therein. (W. Hays Parks, "Command Responsibility for War Crimes", 62 Military Law Review 1, 101-104).

58. Articles 86 (2) and 87 of Additional Protocol I essentially codify the customary law concerning command responsibility. These state:

> "Article 86 - Failure to act
>
> 2. The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superior from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit

such a breach and if they did not take all feasible measures within their power to prevent or repress the breach."

"Article 87 - Duty of commander

1. The High Contracting Parties and the Parties to the conflict shall require military commanders, with respect to members of the armed forces under their command and other persons under their control, to prevent and, where necessary, to suppress and to report to competent authorities breaches of the Conventions and of this Protocol.

2. In order to prevent and suppress breaches, High Contracting Parties and Parties to the conflict shall require that, commensurate with their level of responsibility, commanders ensure that members of the armed forces under their command are aware of their obligations under the Conventions and this Protocol.

3. The High Contracting Parties and Parties to the conflict shall require any commander who is aware that subordinates or other persons under his control are going to commit or have committed a breach of the Convention or of this Protocol, to initiate such steps as are necessary to prevent such violations of the Convention or this Protocol, and, where appropriate, to initiate disciplinary or penal action against violators thereof."

59. The military commander is not absolutely responsible for all offences committed by his subordinates. Isolated offences may be committed of which he has no knowledge whatsoever. A commander does, however, as a fundamental aspect of command, have a duty to control his troops and to take all practicable measures to ensure that they comply with the law. The arguments that a commander has a weak personality or that the troops assigned to him are uncontrollable are simply unacceptable. One writer, (W.D. Burnett, "Command Responsibility and a Case Study of the Criminal Responsibility of Israeli Military Commanders for the Program at Shatila and Sabra", 107 Military Law Review 71, 189 (1985)) concluded his study of the massacres in the Palestinian refugee camps as follows:

"Finally, to avoid the misfeasance of past commanders, including Eitan, Drori, and Yaron, any military commander, Israeli or otherwise, assigned command and control over armed combatant groups similar to the Phalangists which has engaged in widespread war crimes in the past should refrain from employing that group in combat situations until they have demonstrated clearly and unequivocally their commitment to the fundamental humanitarian protection of the law of war."

If, for whatever reasons, the argument is made that military forces fighting in the Sarajevo area are not capable of complying with the law, that is no defence to a war crimes charge against a commander.

VII. THE MILITARY OBJECTIVE

60. A fundamental aspect of the law of armed conflict is the principle of distinction: military commanders are required to direct their operations against military objectives exclusively and, to the extent practicable, to avoid causing casualties or damage to civilian persons or objects. Military objectives include enemy combatants and certain objects. The definition of military objective in Additional Protocol I is now generally accepted. It states:

> "2. Attacks shall be limited strictly to military objectives. Insofar as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."

One of the leading commentaries on the Protocols discusses the definition in the following terms:

> "Military objectives are those objects which by their nature, location, purpose or use:
>
> a. make an effective contribution to military action, and
>
> b. whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage . . . .
>
> 2.4.2 The objects classified as military objectives under this definition include much more than strictly military objects such as military vehicles, weapons, munitions, stores of fuel and fortifications. Provided the object meet the two-pronged test, under the circumstances ruling at the time (not at some hypothetical future time), military objectives include activities providing administrative and logistical support to military operations such as transportation and communications systems, railroads, airfields and port facilities and industries of fundamental importance for the conduct of the armed conflict....
>
> 2.4.3 Military objectives must make an 'effective contribution to military action'. This does not require a direct connection with combat option. . . . Thus a civilian object may become a military objective and thereby lose its immunity from deliberate attack through use which is only indirectly related to combat action, but which nevertheless provides an effective contribution to the military phase of a Party's overall war effort . . . ."

(M. Bothe, K. Partsch and W. Solf, New Rules for Victims of Armed Conflict 323-324 (1982)).

61. In the municipality of Sarajevo, BiH and HVO forces, their equipment and facilities, including barracks and factories producing weapons or other equipment for the forces, would be legitimate military objectives. The civilian population, civilian housing, medical facilities, schools, religious facilities, and facilities producing food or other objects primarily for the use of the civilian population would not be legitimate military objectives. BiH and HVO forces are not, however, entitled to conceal themselves among the civilian population or in civilian objects and claim immunity from attack. As indicated in article 51(7) of Protocol I, the party being attacked is not to use its own civilian population to shield military objectives from attack. Compliance with the law of armed conflict is particularly difficult during a siege as in Sarajevo because of the almost inevitable intermingling of military forces and the civilian population. The besieged forces continue to have an obligation, to the extent practicable, to distinguish themselves from the civilian population. The besieging forces continue to have an obligation to comply with the rule of proportionality and to avoid causing excessive collateral losses to the civilian population. It is inevitable, however, that there will be a proliferation of dual-use facilities such as communications systems, power networks, transportation systems and supply facilities, which

are used by both the civilian population and military forces. Generally speaking, these dual-use facilities would become legitimate military objectives.

VIII. SIEGE WARFARE

62. Siege is a traditional method of warfare whereby one party to a conflict attempts to compel another party to surrender an area occupied by the other party's forces. It is accomplished by surrounding the area, cutting off all access to the outside, and bombarding or starving the area into submission. Under the law, as set forth in the Hague Regulations of 1907 and the Geneva Conventions of 1949, belligerents were forbidden to attack or bombard undefended cities (Sarajevo is defended by BiH and HVO forces), and must notify the authorities in the city of a bombardment, except in the case of an assault. In addition, belligerents must take all necessary steps to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

63. In the words of Sir Hersh Lauterpacht, (Oppenheim's International Law, volume II, at 419 (7th ed. 1952)):

> "With regard to the mode of carrying out siege without bombardment, no special rules of International Law exist, and here too only the general rules respecting offence and defence apply. Therefore, an armed force besieging a town may, for instance, cut off the river which supplies drinking water to the besieged, but must not poison the river. Moreover, no rule of law exists which obliges a besieging force to allow all non-combatants, or even women, children, the aged, the sick and wounded, or subjects of neutral Powers, to leave the besieged locality unmolested. Further, should the commander of a besieged place expel the non-combatants, in order to lessen the number of those who consume his store of provisions, the besieging force need not allow them to pass through its lines, but may drive them back."

64. Subject to article 17 of the Geneva Civilians Convention, which encourages the conclusion of local agreements for removal of some persons from besieged areas, and article 23 of the Civilians Convention, which provides for the free passage of medical and religious supplies for all persons and of essential food for children under fifteen, expectant mothers, and maternity cases, the commander of the investing force has the right to forbid all communications and access between the besieged place and the outside.

65. Simply put, under the law as it existed prior to Protocol I, the investing force was, generally speaking, entitled to starve, freeze, or dehydrate the inhabitants of a besieged area into submission.

66. Assuming that Additional Protocol I is also applicable to the siege of Sarajevo, the legal situation becomes somewhat different:

(a) starvation of civilians as a method of warfare is prohibited (article 54);

(b) the provisions concerning relief actions are somewhat stronger (article 70); and

(c) directing fire on non-combatants entering or leaving a besieged area is now unlawful (article 51).

IX. VIOLATIONS OF THE LAW OF ARMED CONFLICT

67. Any recent visitor to Sarajevo quickly becomes aware of the fact that many violations of the law of armed conflict are being committed during the battle. The focus of this particular investigation is on offences committed during the fighting, in particular, the use of impermissible methods or means of warfare, and attacks on illegitimate targets. Although the question of whether certain acts were lawful reprisals might be raised in defence at a trial, the reprisals issue will be ignored in this study.

68. In the words of the editors of the Law Reports of Trials of War Criminals (volume 15, at 109), "Those rules of international law which relate to the actual conduct of hostilities have only infrequently been made the basis of war crime trial proceedings". The editors, writing in the aftermath of World War II, go on to indicate that the then applicable law for the conduct of hostilities on land consisted essentially of articles 22-28 of the 1907 Hague Regulations. They point out (at 110) that "no records of trials in which allegations were made of the illegal conduct of air warfare have been brought to the notice of the United Nations War Crimes Commission". The types of offences which they discuss in their analysis include: wearing enemy uniforms while engaging in combat, inciting troops to deny quarter, continuing to fire on a vessel after it has surrendered, killing the survivors of sunken ships, and participating in hostilities as an unlawful combatant.

69. Article 6(b) of the Statute of the International Military Tribunal at Nuremberg listed "wanton destruction of cities, towns or villages, or devastation not justified by military necessity" as war crimes. It appears, however, that to date no one has been tried on a charge related to wanton destruction and that those persons tried on charges related to devastation, such as General Rendulic, who was acquitted on a charge of this type in the "Hostage Trial" (8 Law Reports if Trials of War Criminals 34, 67-69), have been tried for offences alleged to have been committed in occupied territory.

70. Article 3 of the Statute of the International Criminal Tribunal states:

> "The International Tribunal shall have the power to prosecute persons violating the laws or customs of war. Such violations shall include, but not be limited to:
>
> a. employment of poisonous weapons or other weapons calculated to cause unnecessary suffering;
>
> b. wanton destruction of cities, towns or villages, or devastation not justified by military necessity;
>
> c. attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;
>
> d. seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science; and
>
> e. plunder of public or private property."

71. With reference to the Battle of Sarajevo, it must be noted that Sarajevo is not "undefended". The British Manual of Military Law Part III ¶ 290 (1958) contains a concise statement of the applicable law:

> "An undefended or 'open' town is a town which is so completely undefended from within or without that the enemy may enter and take

possession of it without fighting or incurring casualties. It follows that no town behind the immediate front line can be open or undefended for the attacker must fight his way to it. Any town behind the enemy front line is thus a defended town and is open to ground or other bombardment, subject to the limitations imposed on all bombardments, namely, that as far as possible, the latter must be limited to military objectives. This means that hospitals, convalescent homes, churches and monuments duly marked by signs notified beforehand must not be deliberately attacked if they are not used for military purposes. Thus, the question of whether a town is or is not an open town is distinct from whether it does not contain military objectives. A town in the front line with no means of defence, not defended from outside and into which the enemy may enter and of which he may take possession at any time without fighting or incurring casualties, e.g., from crossing unmarked minefields, is undefended even if it contains munitions factories. On the other hand, all defended towns whether situated in the front line or not may be subjected to bombardment provided that it is not directed solely against non-military objectives duly marked as mentioned above."

72. The writers did not see any evidence of the use of poisonous or other unlawful weapons during their time in Sarajevo. As indicated in the anecdotal account of the battle (16 to 22 November 1992, and 7 and 14 December 1992), there have been reports of the BSA using vehicles which were painted white with UN markings. Such acts constitute perfidious conduct, are prohibited by article 37(1) of Protocol I, and can constitute a grave breach under article 85(3)(f) if persons caused death or serious injury while using such vehicles. Also, as indicated in the anecdotal account (21 to 28 December 1992), it appears that BiH forces have, on occasion, directly attacked UN forces. In this context, UN forces are non-combatants and illegitimate targets.

A. Starvation as a method of warfare

73. The tribunal in the "High Command Trial" (12 Law Reports of Trials of War Criminals 84, 84) approved the following opinion:

> "A belligerent commander may lawfully lay siege to a place controlled by the enemy and endeavour by a process of isolation to cause its surrender. The propriety of attempting to reduce it by starvation is not questioned. Hence the cutting off of every source of sustenance from without is deemed legitimate. It is said that if the commander of a besieged place expels the non-combatants, in order to lessen the number of those who consume his stock of provisions, it is lawful, though an extreme measure, to drive them back, so as to hasten the surrender."

This opinion clearly supports the use of starvation as a method of warfare in the case of a siege. Article 54 of Protocol I prohibits starvation as a method of warfare in general terms. It states:

> "1. Starvation of civilians as a method of warfare is prohibited.
>
> 2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, as such as foodstuff, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve

out civilians, to cause them to move away, or for any other motive.

3. The prohibitions in paragraph 2 shall not apply to such of the object covered by it as are used by an adverse Party:

a. as sustenance solely for the members of its armed forces; or

b. if not as sustenance, then in direct support of military action, provided, however, that in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement."

74. One might pose two fundamental questions concerning article 54. First, does it apply to the siege of Sarajevo either because Protocol I applies as a treaty obligation or because its starvation provisions are now part of customary law? Second, if article 54 does apply, does it override the traditional law concerning siege or is the traditional law a form of lex specialis? Both the ICRC Commentary on the Protocols and the Commentary by Bothe, Partsch, and Solf, hail article 54 as a substantial new principle of international law applicable in armed conflicts. It is considered that article 54 applies to the siege as a treaty obligation, not as part of customary law. It is also considered that the law for siege warfare is not a lex specialis and that, as a result, where there is an inconsistency between article 54 and the traditional law, article 54 governs.

75. Although Sarajevo has been under siege from the beginning of the conflict, and food, water, heat, and electricity have been extremely limited for much of that time, The Bulletin, which reports casualty figures in Sarajevo, has not indicated that anyone has died in the city from starvation, dehydration, or freezing. Repeated references are made in the anecdotal history to electricity, food, and water shortages. It is noted in the Observations Concerning the Battle History as of July 1993 subsection that both sides have used the city's logistics as an instrument of war against the populace to influence each other and affect the media.

76. One of the fundamental problems of legal analysis during a siege is that combatants and non-combatants are collocated, frequently using the same resources and facilities. For example, with reference to article 54, food supplies, drinking water, and electricity may be used by both the civilian population and military forces in Sarajevo. If there is a shortage in any of these supplies, the shortfall may be levied against the military forces, the civilian population, or both groups. As a practical matter, it is extremely unlikely that the shortfall would be levied against the military forces alone. One is faced with the unpalatable fact that, unless there is a neutral arbiter, the only way to starve-out a besieged military force, a legitimate act of war, is to starve the civilian population.

77. As no one appears to have died of starvation, cold, or dehydration in Sarajevo, it is unlikely anyone could be held liable for using starvation of civilians as a method of warfare during the siege.

B. Attacks on civilian persons and objects

78. Under the law as essentially codified in Protocol I:

(a) attacks must be directed against military objectives;

(b) attacks directed against civilian persons or objects are prohibited;

(c) indiscriminate attacks are prohibited; and

(d) indiscriminate attacks include:

(i) area attacks, and
(ii) attacks causing disproportionate incidental civilian casualties.

Incidental or collateral loss of civilian life and damage to civilian property is a tragic but inevitable byproduct of armed conflict.

79. The battle to recapture Manila from the Japanese in 1945 is a particularly painful example of an attempt to minimize civilian casualties which went wrong for reasons beyond the control of the attacking force. Once American forces were committed to recapture the Philippines, it was necessary for them to retake Manila. General Yamashita, the Japanese commander in the Philippines ordered his troops to evacuate the city on the approach of American forces because he did not have sufficient forces to defend it and did not have enough food to feed the civilian population of one million. A subordinate Japanese commander disregarded Yamashita's orders and directed his troops to fight to the death to defend the city. In the course of the battle, American forces surrounded the city and closed in towards its centre. The Japanese would not surrender. Initially, American commanders imposed severe restrictions on the use of artillery, but, as American casualties mounted, many restrictions were lifted. The American official history described the situation:

> "The losses had manifestly been too heavy for the gains achieved. If the city were to be secured without the destruction of the 37th and the 1st Cavalry Divisions, no further effort could be made to save the buildings; everything holding up progress would be pounded, although artillery fire would not be directed against structures such as churches and hospitals that were known to contain civilians. Even this last restriction would not always be effective for often it could not be learned until too late that a specific building held civilians. The lifting of the restrictions on support fires would result in turning much of southern Manila into a shambles; but there was no help for that if the city were to be secured in a reasonable length of time and with reasonable losses."

(R. Smith, Triumph in the Phillipines, 264 (1963)).

An estimated 16,000 Japanese soldiers died in the battle and American forces casualties were 1,000 killed and 5,000 wounded. Manila was devastated, and the bodies of 100,000 Filipino civilians were found in the rubble, most of them killed in the exchange of fire between American and Japanese forces.

80. Substantial civilian casualties are particularly likely to be caused during sieges, fighting in built up areas, and on other occasions when attacks are directed against cities. As Sarajevo is under siege, a certain number of civilian casualties can be expected even if the combatants made a conscientious effort to comply with the law of armed conflict. Several thousand persons have been killed or wounded in Sarajevo during the siege. The Bulletin estimate of 28 June 1993 was that 8,934 persons had been killed and 52,518 persons had been wounded as a result of military activity. The precise totals, the identity of the killed and wounded and their classification as combatants or non-combatants are not yet known. It is,

however, reasonable to conclude that the vast majority of the casualties, probably over 75 per cent, are civilians and not legitimate objects of attack.

81. The writers did not attempt to conduct their own survey of property damage during the siege of Sarajevo. It is, however, apparent to any visitor to the city that most buildings, including many which are clearly civilian objects, such as churches and mosques, have suffered serious battle damage. The Holiday Inn, where the writers stayed during their visit, is an 11-story structure, but occupancy is now confined to the first five floors, because of damage to one side and because the other side is exposed to sniper fire. It must be conceded, however, that the Holiday Inn was initially the headquarters of the Serbian Democratic Party and some damage was caused when it was seized by Muslim militiamen on 6 April 1992. The writers visited the National Library, however, and it was apparent that this civilian structure had been deliberately destroyed by Serb artillery from the nearby hills. The interior of the library was gutted, yet several surrounding buildings were completely untouched. It will eventually be possible to make a global survey of property damage in Sarajevo, but it will probably be very difficult to establish a precise chronology and indication of causality in most cases. It will also be necessary to apply a discount factor because of the BiH tendency to move its limited artillery resources among various civilian areas. On the morning of 3 July 1993, the writers observed from their windows in the Holiday Inn a BiH mortar being fired repeatedly from an area where civilian housing was located. They also a observed a substantial amount of Serb counter-battery fire hitting the houses.

82. The weapons systems being used by BSA forces in the siege of Sarajevo, predominantly direct-fire weapons, and artillery at point blank, frequently direct-fire, range, are systems which can be used with a high degree of accuracy. A sniper rifle is normally aimed at a particular person in view of the sniper. Mortars and guns used at short range normally fire projectiles which land quite close to where they are aimed. These are not inherently indiscriminate weapons, particularly in the case of sniper fire. If non-combatants are being killed or wounded, this occurs because the sniper intends to kill or wound them.

83. There are legitimate military objectives in Sarajevo such as the BiH forces wherever they are located and modest weapons and ammunition manufacturing facilities. It does not appear, however, that conscientious efforts are made to ensure that attacks are directed exclusively against these military objectives. There is every indication that civilians have been deliberately targeted by snipers and by BSA artillery. As indicated in the discussion of BSA tactics, small arms and artillery have frequently been used as weapons of terror directed against the civilian population. There are cases in which BSA artillery has been directed against military objectives and, nevertheless civilian casualties have been caused. In these cases, it is appropriate to attempt to measure military advantage gained against suffering caused to the civilian population in a crude proportionality equation. Quite frequently, however, application of the rule of proportionality will be irrelevant for the simple reason that causing civilian casualties is the objective of BSA action, not an incidental effect.

X. ACCOUNTABILITY

84. This report is a non-exhaustive survey of law of armed conflict issues arising during the siege of Sarajevo. As the writers did not have an opportunity to visit BSA forces during the investigation, they were not exposed to allegations of BiH misconduct during the siege unless the allegations came from UN sources. The report focuses on combat-related

offences, unlawful targeting, and the use of unlawful means and methods of warfare.

85. It is unlikely that weapons which are illegal per se have been used during the siege. If it can be established that named individuals in the BSA used or authorized the use of vehicles which carried UN markings, this could be viewed as perfidious conduct and, if persons were killed or wounded as a result of this action, a grave breach of Protocol I could be established. The "Hagendorf" case (13 Law Reports of Trials of War Criminals 146, 146-148), in which a German soldier was convicted for abusing the Red Cross emblem by firing at American soldiers from an ambulance, might constitute a useful precedent. In that case, however, the accused was captured at the time of the incident. Somewhat similarly, if it can be established that named individuals attacked or authorized attacks on UN forces, these persons could be charged with violating the laws or customs of war, contrary to article 3 of the International Criminal Tribunal Statute, by committing a grave breach of article 85(3)(a) of Protocol I and making the civilian population or individual civilians the object of attack. In the Sarajevo context, UN peacekeepers are non-combatants and entitled to be treated as civilians. As indicated in the discussion of starvation as a method of warfare, the tendency of both sides to control food, water, and electricity for publicity purposes, the collocation of military forces and the civilian population, and the fact that no one appears to have died during the siege from starvation, dehydration, or freezing, combine to make difficult the establishment of a solid case that starvation is being used as a method of warfare. The conduct on this matter has been deplorable but its criminality is debatable.

86. Most of the war crimes committed in Sarajevo have involved attacks on civilian persons and objects. As indicated in the preceding section, it will be difficult but not impossible to compile a reasonably accurate list of persons killed or seriously injured during the siege of Sarajevo, to determine if they were combatants or non-combatants and to determine when, where, and how they were killed or injured. Once this information is available, it will be possible to determine relative percentages of military and civilian casualties over time. It may also be possible to determine, in a general manner where the projectiles causing casualties came from, in such a way that X number of casualties were caused by a particular unit. Whether or not it is possible to determine which individuals or which units caused civilian casualties, it will certainly be possible to establish that a large number of casualties have been caused by the BSA forces surrounding Sarajevo during a specific period of time. It will probably also be possible to determine roughly how many of the civilian casualties have been caused by some form of sniper fire. Whether or not one might consider applying the rule of proportionality in other cases where civilian casualties are incurred, it is reasonable to presume that civilian casualties caused by sniper fire are the result of deliberate attacks on civilians, not the result of indiscriminate attacks.

87. The compilation of a chronological and quantitative survey of damage to civilian objects in Sarajevo will be more difficult to do and has not yet been attempted. It is possible to determine what damage has been caused to certain religious, cultural, and medical buildings and, in most cases, it would be possible to determine whether these buildings were located near legitimate fixed military objectives. It would also be possible to focus on whether certain types of objects were deliberately targeted. For example, a detailed study of the shelling of the Koševo medical facility or of the National Library would probably indicate that these objects had been deliberately targeted. It may also be possible to establish that religious facilities were deliberately targeted. The tendency of BiH forces to conceal their resources among civilian objects would probably result in some of the damage to civilian

objects caused by BSA projectiles, thereby constituting legitimate collateral damage. There is enough apparent damage to civilian objects in Sarajevo to justify an in-depth study. Such a study might well conclude that either civilian objects have been deliberately targeted or that they have been indiscriminately attacked. This study, which would require unimpeded movement for extended periods throughout Sarajevo, is not practicable at present.

88. There have been incidents in the past where substantial civilian casualties have been caused, but substantial military advantage has also been gained by a particular military action. The battle of Manila, referred to earlier, is an example, as are many of the bombing raids of the Second World War. In these cases, one might attempt to quantify both military advantage and civilian losses and apply the somewhat subjective rule of proportionality. As a general statement, however, the rule of proportionality is not relevant to the sniping activities of the BSA forces and it is of questionable relevance to many of the artillery bombardments. BSA forces are deliberately targeting the civilian population of Sarajevo either as a measure of retaliation or to weaken their political resolve. Attacking the civilian population is a war crime.

89. It will probably be very difficult to link specific individuals or units to specific incidents in which civilians or civilian objects have been deliberately attacked or subjected to indiscriminate attacks. It may be possible to localize incidents in such a way that it is clear that a certain unit under a particular commander was the cause of a number of incidents. Whether or not it is possible to develop a firm case against individual soldiers or unit commanding officers, it should be quite practicable to develop a prima facie case against the officer or officers responsible for the BSA Sarajevo Romanija Corps which has been the unit surrounding Sarajevo from the beginning of the siege. It is understood that the Sarajevo Romanija Corps is now commanded by Major General Stanislav Galić and that it was formerly commanded by Major General Tomislav Šipčić. Further research may indicate the identity of other officers responsible at the Corps level.

90. Command has burdens and responsibilities, as well as privileges. The commander of the Sarajevo Romanija Corps is responsible for the attacks on the civilian population and the indiscriminate attacks launched by his troops if he ordered these attacks. He is also responsible to a degree, even if he did not give the orders if he knew or should have known that his subordinates were committing or going to commit such attacks and he failed to take all practicable steps to prevent or punish them. To determine whether or not the Corps commander must have known about the acts of his subordinates, one might consider a number of indices, including: the number of illegal acts; the type of illegal acts; the scope of illegal acts; the number and type of troops involved; the logistics involved, if any; the geographical location of the acts; the widespread occurrence of the acts; the tactical tempo of operations; the modus operandi of similar illegal acts; the officers and staff involved; and the location of the commander at the time. On the basis of these indices, a Corp commander headquartered on high ground at Lukavica with a good view of the city, good communications, and a reasonably low tempo of operations at almost all times, would have some difficulty arguing that he was unaware of small arms and artillery fire being directed against civilians and civilian objects.

Appendix

ANECDOTAL ACCOUNT OF THE BATTLE (Derived from UN Reports)

25 October-1 November 1992

BiH positions continued to receive sporadic shelling throughout this week. In the north central sector of the perimeter, the defence line between Uraca and Koševo was heavily shelled with a number of shells hitting the Koševo Medical Centre and the heavily populated area adjacent to the Residency (UNPROFOR BiH Command Forward). Bosnian Serb Army (BSA) gunners continued to interdict BiH movement of personnel and equipment through the airport corridor. UNPROFOR engineers noted problems with shortages of electricity, potable water, and flour in the city.

1-8 November 1992

BiH positions around the airport and the centre of the city continued to be shelled. However, apart from the sporadic shelling and sniping that are the hallmarks of the siege, activity was relatively calm. UNPROFOR speculated that this was probably due to the high profile given to the UNICEF week for children with the attendant media exposure.

8-15 November 1992

This week saw an increase in the tempo of violence due to continued BiH efforts to move personnel and matériel across the airfield corridor. A confrontation between HVO (Bosnian Croat) special forces and BiH regulars flared into a series of fire fights that were finally terminated by a BiH threat with repositioned AAA auto cannon. The week concluded with the locking on of AAA targeting radars on UNHCR aircraft and the consequent closing of the airport. The radars were sourced as coming from Serb positions. Finally, on 15 November 1992, a convoy of 400 refugees escorted by UNPROFOR was heavily sniped while crossing the lines on the route to Kiseljak by suspected BSA troops.

16-22 November 1992

Sarajevo sector remained quiet until the morning of 18 November, when BiH troops simultaneously attacked BSA positions at Žuč and Ilidža unsuccessfully. The BSA responded with increased shelling into the city centre and with sporadic mortar and tank fire. On 20 November observers reported that the BSA, using white trucks with hand-painted UN letters, moved between Sarajevo and Pale.

23-29 November 1992

Since a cease-fire had been declared BSA shelling in Sarajevo shifted from civilian targets to mostly harassment and interdiction on BiH forces positions at the west end of the city in the suburbs of Dobrinja, Butmir, Ilidža, Mojmilo, and Bistrik. Sporadic sniping throughout the city continued.

30 November-6 December 1992

Shelling in the southwest escalated to high levels in response to BiH

attacks in the Otes area. The BSA counter-attacked Otes with infantry and tanks and shelled the western suburbs with artillery shells fused with air burst, point detonating, and delay.

7-14 December 1992

Muslim refugees abandoned the Oteš-Ilidža area and retreated into the city, leaving Oteš and Azići. As the week progressed, fighting intensified with a series of attacks and counter-attacks. BSA artillery reprisals were heavy, and large areas were destroyed. Reported sightings of white Serbian vehicles with UN markings resulted in the BiH engagement of some UN vehicles. The fighting caused further restriction of electricity and water by destroying recent repairs to the infrastructure of the city.

13-20 December 1992

As a result of the previous week's operations, only light shelling and sniping continued. It was established that the BSA had suffered heavy casualties in personnel and tanks and had depleted their munitions reserve by taking and holding Oteš.

21-28 December 1992

It appeared during this period that BiH forces were deliberately engaging UN forces. The UN shuttle from the Sector Sarajevo headquarters building (PTT) was sniped at, and the forced evacuation of the Residency was made necessary by point blank artillery fire from BiH positions. The 23rd consecutive day for Sarajevo without electricity or water was marked on 27 December 1992.

28 December 1992-4 January 1993

The tempo of small arms and artillery was reduced, and UN sources ascribed the lull to the Geneva talks. Significant troop movement was evident in the Mount Igman area and the BiH Army aggressively launched a series of platoon-sized raids all around the perimeter. Persons crossing the runway continued to cause difficulties for the French battalion at the airport (FRBAT-2). On 1 January 1993, the UN APC shuttle was engaged twice in the Stup area from the BiH area.

4-11 January 1993

On 8 January, an UNPROFOR APC carrying Muslim Deputy Prime Minister Turajlić from Sarajevo Airport to the city was blocked at a Serb checkpoint. During negotiations, a BSA soldier, thought to be operating independently, assassinated the Deputy Prime Minister. The city entered its fifth week without electricity or water. BiH forces were able to consolidate some gains in the Grbavica area in house to house fighting.

11-18 January 1993

Five FRBAT-2 soldiers were injured by shelling that originated from BiH held Hrasnica. In response to increased Muslim efforts to cross the airport, the BSA retaliated on 13 January with a barrage of some 1,300 impacts into the

central districts of the city.

18-25 January 1993

The level of shelling decreased but the areas hit by concentrated fire increased to the entire western side of the city. On 16 January, BiH positions at Hrasnica again shelled the airport, wounding three FRBAT-2 soldiers. On 19 January, a UNMO was shot and wounded by sniper fire from BSA positions in the Smiljevići area. During this period, several repair teams working on the city's electrical system came under fire while working from mortars in the Serb positions on the northern perimeter. Although fired upon on five occasions, repair teams were able to alleviate the electrical and water situation. On 21 January, Serbs halted UN humanitarian aid convoys from Kiseljak to Sarajevo.

25-31 January 1993

The level of shelling and military activity remained low, probably due to a Serb national holiday. However, Serbs continued to harass and snipe at UN vehicles and convoys.

1-7 February 1993

Shelling concentrated on the airport area and on the eastern old town. Serious infantry fighting took place at Nedžarići, Dobrinja, and the Rajlovac rail yards. BiH elements unsuccessfully struck at the road between Lukavica and Pale in the Batanija area. The BSA shelled the Grdonj and Koševo hospitals periodically. Serb check points demanded parts of the loads from UNHCR vehicles. On 6 February, the Serbs unilaterally asked for a cease-fire to begin the next day, followed by negotiations.

8-14 February 1993

Activity at Sarajevo increased dramatically on 11 February when both sides exchanged heavy artillery fire. BSA forces struck at Ilidža from Stup in the city and from Butmir, attempting to link up unsuccessfully. The UN found itself increasingly under fire:

(a) on 11 February, 4 FRBAT-2 soldiers were injured in a deliberate mortar attack--one fatally;

(b) the UN airport checkpoint was shelled and sniped;

(c) an UNMO observation position was shelled;

(d) the BiH command shuttle was shelled; and

(e) BiH mortars were positioned adjacent to the PTT building and the building was subsequently shelled and sniped.

Throughout this period BSA artillery indiscriminately shelled the entire city.

14-20 February 1993

Heavy fighting raged all week as the Serbs and Muslims battled for the

suburb of Ilidža. The BiH had two objectives: 1) break the siege and open the road to Visoko; and 2) cut Serbian supply routes in the siege. These battles saw an extensive use of artillery by both sides and a strong use of armour by the BSA in containing the BiH assaults. In retaliation, the BSA heavily shelled the western end of the city. UN troops were targeted by both warring factions. The fighting petered out with President Izetbegović calling for a cease-fire on 20 February.

21-28 February 1993

The tempo of operations was low during this period. Both sides showed indications of having significantly depleted their munitions stocks. While the cease-fire did not hold there was a marked decrease in shelling, mortaring, and sniping. The previous week's intense fighting accomplished minimal shifting in the confrontation line.

1-7 March 1993

There was a lull in the combat activity in the Sarajevo sector. UN sources speculated that the lull was due to either the very bad weather, the consolidation of positions and resupply, or the latest cease-fire attempt in New York. Generally, however, the level of shelling increased to some 570 impacts per day, concentrated mainly at Stup, Dobrinja, Butmir, the Koševo Medical Centre area, and the city centre. In particular, very accurate tank fire was received, while sniper activity against the besieged increased throughout the city.

8-15 March 1993

The main area of concentration of artillery and mortar fire was in Koševo but generally, shelling activity was low. BiH continued to restructure 1 (Sarajevo) Corps in the city and it was expected that this activity, which commenced with the execution of two BiH battalion commanders on 25 February, would be completed by 10 March. The low level of fighting coincided with the BiH reorganization and new talks in New York. Both sides used the lull to reinforce and resupply.

15-21 March 1993

Sarajevo experienced one of the most turbulent weeks of the siege. Sniper fire was very high on both sides and the BSA threatened its usual artillery reprisal. Fierce fighting erupted in the west end, with very heavy shelling over the entire city. UN forces reported a number of incidents of shelling and sniping and a British aircraft reported being fired upon. The BSA was able to make significant gains in the Rajlovac, Stup, and Nedžarići suburbs, setting the stage for fierce BiH counter-attacks. On Sunday, 21 March, the most heavy shelling of the siege was recorded with 2,398 impacts.

22-28 March 1993

Intense fighting continued as strong BSA attacks with heavy shelling continued on Stup, Oteš, Vratnik, and Hrasno-Grbavica. The Serb objective, the Stup bridge overpass, appeared to be within their grasp. The capture of this feature would allow the Serbs to control the main highway into the city and effectively dominate two thirds of the city by direct line of sight/line

of fire. Further, with the Stup position, the BSA would be in a position to isolate the Dobrinja pocket and would allow the Serbs to take the rest of the city piecemeal, by way of smaller operations. However, the attacks at Stup exhausted the limited BSA infantry capability and took a particularly heavy toll on both infantry and armoured assets. This, coupled with dramatically deteriorating weather conditions, ground the BSA offensive to a halt. The BiH shifted AAA weapons into the sector for direct fire support, and the fighting petered out into the usual sporadic shelling, small-arms fire, and sniping.

29 March-4 April 1993

The city remained relatively quiet as both sides recovered from the intensity of the battle in the west end and the street fighting in Grbavica. During this period only a total of 54 impacts, about one fourth of an average day's shelling, were recorded in the city. The cold weather and heavy snow continued but the snipers continued to be particularly active, killing four and wounding 14 civilians.

4-10 April 1993

Sarajevo remained relatively quiet with the exception of snipers from both sides. On 8 April, a UN truck being inspected at the BSA checkpoint at Ilidža was found to have ammunition concealed under a removable pallet. The Serbian media leapt on the incident, further restricting UN freedom of movement.

11-17 April 1993

Sniper activity continued as Muslims continued to infiltrate across the airport at night. On 12 and 15 April, the Serb gunners intensified their fire into the centre of the city near the hospital and the Presidency. Observers detected large concentrations of BSA troops at Azići and Lukavica and anticipated further offensives against Stup and Dobrinja.

18-25 April 1993

The anticipated shifting of BSA reserves to the city from Srebrenica did not occur. The airport area was subject to particularly heavy sniping and machine-gun fire, and the BSA blocked a number of convoys. The city was shelled some fifty times a day on average.

26 April-2 May 1993

The situation in the city remained stable with the average daily shelling calculated at 1991 impacts per day. Troop movement and resupply by the BSA was noted, including the shifting of Serb heavy weapons.

3-9 May 1993

BSA aggressive behaviour against UN operations became highly aggressive, although the lull generally persisted. A number of new Serb checkpoints in the Vogošća area were opened, further restricting the movement of aid convoys.

9-15 May 1993

As a result of the referendums on the Vance/Owen Peace Plan (VOPP), the Sarajevo tactical picture became extremely calm. Despite small-arms and sniper activity, shelling activity dropped significantly. UN sources noted many civilians in the streets and the opening of some shops.

16-22 May 1993

The tempo of activity slowly rose through the week although, in Sarajevo terms, the cease-fire accompanying the VOPP continued to be respected. A total of 73 BSA cease-fire violations (CFV) and 26 BiH CFV were observed. Snipers killed one civilian and wounded eight, while UN convoys continued to be blocked and delayed at BSA check points.

23-29 May 1993

Shelling increased during the week with 174 impacts on 26 May, 190 on 28 May, and 210 on 29 May.

30 May-5 June 1993

Although the number of impacts diminished as the week progressed, the city remained tense as the level of indiscriminate sniping rose.

6-12 June 1993

No change to the general situation, however the shelling in Konjic destroyed the power lines between the Jablanica power plant and Sarajevo. This caused a further degradation of the central BiH power grid with significant effects on the city's utilities. In Sarajevo the provision of water was directly reliant on electric pumps, and the limitation of power had a negative impact on the water distribution system.

13-19 June 1993

Heavy Serb shelling in response to a BiH attack at the Dvor bridge was followed by a BSA counter-attack in an apparent effort to keep the main supply route open. A cease-fire was almost respected on 19 June.

Observations Concerning Battle History as of July 1993

The main BSA objective at this time no longer appears to be the capture of the city. This is apparent from the low Serbian manning levels. The Serb military objectives seem to have been:

(a) continued isolation of the city;

(b) the capture of the Stup bridge; and

(c) cutting the city in half from a North-South axis through Centre Sarajevo.

The reasoning behind these objectives:

(a) Isolation severely limits the power of the Presidency Government to the degree where its collapse and the surrender of the city could undermine Muslim military activity throughout BiH;

(b) the capture of the Stup bridge, as noted earlier, would effectively put the BSA in control of the city and give it a secure covered main supply route into the city; and

(c) the dissection of the city on the north-south axis would either cause the city to fall by shattering BiH tactical integrity or would allow the BSA to take the city piecemeal at their relative leisure.

On the BiH side their strategic objectives appear to be as follows:

(a) to break the siege by attacking from Visoko to the north to link up with troops breaking out from the Vogošća area and with troops breaking out from Stup and Butmir through Ilidža. This would have the effect of cutting BSA supply and movement around the city, pinning down BSA forces to where they can be defeated in detail; and

(b) to keep the support of world opinion by manipulating the media to present the BSA forces and the Serbs as the aggressors.

The levels of fighting in and around Sarajevo reflect the changing postures of the warring factions and are often an indicator of not only their military but also their political intentions. As an example, during the December 1992 negotiations, the BSA lowered its shelling rate to below that of the BiH forces. BiH responded by increasing its fire and carrying out a series of attacks in the hope of prompting a BSA overreaction which could be presented as unwarranted Serbian aggression. On the other hand, the Serbs would use their predominance in artillery to punish the BiH through the civilian populace of the city for any perceived indiscretion, either political or military. This targeting of civilian areas by massive shell fire, coupled with the terrorizing of the populace by the well-equipped and ever present snipers, has been the BSA methodology for using the civilians as leverage against the Presidency.

Both sides have used the city's logistics as an instrument of war against the populace to influence each other and affect the media. The Serbs control the power grid, and power lines and transformers have been damaged by deliberate or accidental destruction or by maintenance failures. UN escorted repair teams have been prevented by a variety of means, including being fired upon, from effecting repairs. The control of UNHCR and NGO-provided supplies is also used as a weapon by both sides. This tactic must be delicately executed because of the food aid's high media profile. Another serious infrastructural difficulty was the city's dry sewage system. The system has been used for communications, movement, storage and, in some cases, shelters. Although the gravity design permits limited function, UNPROFOR engineers have stated that major maintenance is required to preclude the very real chance of disease in the summer heat.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX VII
MEDAK INVESTIGATION

Under the Direction of:

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I. INTRODUCTION

1. The Medak Pocket Operation comprises the military operations of the Republic of Croatia (Croat), United Nations Protection Force (UN or UNPROFOR) and, to a lesser extent, the "Republic of Serbian Krajina" (Serb) forces near Medak, Croatia, in September 1993.

2. Sadly, it is only a typical example of how war is, and apparently always has been, waged in the Balkans.

3. It is especially amenable to legal study for a variety of reasons. The operation was confined in both time and geography. The units involved were limited in number. UNPROFOR reported on the operation in a particularly detailed and helpful manner. UN forces anticipated law of war violations and gathered much relevant information during the operation. Lastly, it was a recent event so evidence and witnesses were still available.

II. OVERVIEW

4. The operation took place just north of the town of Medak and just outside the United Nations Protected Area designated as Sector South. Medak is about 150 kilometres south-west of Zagreb.

5. Before 9 September 1993, the Medak Pocket was a collection of small rural villages and hamlets forming a finger of Serb-controlled land jutting into Croat territory.

6. On 9 September, at about 6:00 a.m., Croat forces attacked the Pocket. An artillery, mortar and/or tank fire barrage preceded an infantry and tank advance. Croats attacked from the north-east and quickly killed or routed the few Serb defenders. Overrunning the Serb defences, the Croat forces soon captured Divoselo (Strunići), Čitluk (Lički), Donje Selo, and the surrounding villages. By 10 September, the Croatian army was in charge of the area.

7. The rationale for the Croat attack is impossible to determine with certainty. Speculation includes: a rehearsal by the Croats for a larger operation, a test of their forces by the Croats, retaliation by the Croats for Serb shelling of Gospić, a desire by the Croats to straighten their front, or simply a Croat desire to seize territory.

III. DESCRIPTION

8. Evidence of events during the Medak Pocket Operation emerges from various witnesses' experiences. The following is an extremely summarized version of their experiences.

9. Captain "1" was in command of the Serb forces in the Divo Selo area. In the face of the Croat attack, he ordered his soldiers to withdraw. This they did along with many local civilians. Over the next days, this mixed group made its way by foot to Serb territory. During the escape, an unidentified Serb soldier escaping with the group told the Captain that Croat soldiers had spared him. Indeed, the Croats told the unidentified soldier to escape when they could easily have killed or captured him.

10. "2" was a soldier in the Serb army on 9 September. Upon the Captain's orders, he withdrew in the face of the Croat attack. During his escape to Serb territory, he saw the Croats burn houses and steal livestock. He came across a body. Someone had either badly mutilated it after death or had

tortured the victim before death. During his escape, he entered Čitluk to try to find food. There he came within 10 to 15 metres of a group of Croat soldiers. He heard instructions translated into German for some soldiers. The apparent commander said in Croatian: "Those houses are Serbian houses and you can do anything you wish."

11. "3" was a Serb soldier on the front line at the beginning of the Croat attack. He retreated with his comrades but became separated from them. He came across a female body with an eye, an ear, and all right-hand fingers cut off. "3" saw Croat soldiers setting fire to houses and stealing sheep.

12. Three other Serb soldiers all fled the Croat attack. They all report that the only Croat activity they saw was legitimate "soldier against soldier" combat.

13. "4", a resident of "A", was in the local Serb militia. He fled the Croat attack and immediately returned to his home. There he saw his elderly sister-in-law dead. A search of the scene after UNPROFOR took control of the area revealed only some clothing. She was wearing this clothing when "4" saw her dead body. During "4's" escape to Serb territory, he saw Croat soldiers killing sheep belonging to local civilians and stealing five or six tractors owned by the local populace.

14. "5", a resident of "A", was also a member of the Serb militia. On 9 September, he was on the front line. Upon the attack he fled, returned to his home, and warned his family to flee. While he was in hiding, before he reached safety, he saw his tractor being stolen by the Croats. Croat soldiers wounded him during his escape.

15. Two persons, "6" and "7", witnessed the murder of an 83 year-old blind woman.

16. "6" was a resident of "B". He left his home at the beginning of the Croat attack. Upon leaving, he saw the victim and a younger unidentified woman outside her home, from about 200 metres away. About 20 unidentified Croat soldiers came up to the victim's house and ordered the younger woman away. Then, the soldiers gunned down the victim. After this, "6" fled to the forest with relatives, where he eventually joined a mixed group of Serb military and civilians. They walked to safety.

17. "7", a resident of "A", was hiding in the woods also near the victim's house. From the woods, she saw 10 unidentified Croat soldiers approach the victim, who was standing alone outside her home, and simply kill her.

18. "8" was a resident of "B". During the early morning of 9 September, he tried to evacuate two wounded Serb soldiers in his private vehicle. Croat forces ambushed the vehicle, their gunfire hitting all three vehicle occupants. "8" believed the gunfire killed both of his passengers. "8" escaped and hid in bushes approximately 20 metres from the ambush site. Ten to 15 unidentified soldiers approached the vehicle, dragged the two dead Serb soldiers out, placed the bodies near a building and set the building on fire. In "8's" original statement, he said one of his passengers was alive when taken from the vehicle by the Croats. He also said that they placed both the wounded soldier and the body of the other dead soldier in the building before setting it afire. The correction of the original statement was not placed in all versions of the various reports compiled by UN organizations.

19. "9", a resident of "A", fled the initial attack with her family. When shortly thereafter she returned to her house to get shoes, she was shot and wounded by unidentified Croat soldiers. She heard the soldier's conversation

from 300 to 500 metres away. The conversation showed that the Croats deliberately targeted her as a civilian. One soldier objected to shooting at her with, "No, it's a woman"; the other replied, "It does not matter".

20. "10" resided in "A". During the 9 September attack, she was in her home. "10's" son fled the house at the start of the attack. He took his rifle with him. No one has seen him since, and he is presumed to be dead. An unidentified Croat soldier saw her through a window then threw a grenade into her house. The subsequent explosion wounded her. The same soldier entered the house and fired into the room in which she lay. This gunfire did not hit her. Wounded but still in her house, "10" observed two Croat vehicles pull up disguised as UN vehicles (i.e. white with "UN" lettering). These vehicles carried Croat military forces. She heard instructions, translated between German and Croatian, to slaughter everything and leave nothing. She saw Croats killing her sheep and pigs. During her escape, she also saw Croats killing domestic animals, burning houses and stealing roof tiles. She eventually made her way to safety.

21. "11" lived between "B" and "A". He and his family escaped to the woods at the beginning of the attack. He fled with his rifle. From hiding, he returned to his house on 10 September. There he found all his possessions destroyed, his animals mostly dead or injured and his house burning. During the several days it took "11" to reach safety, he was shot at several times and eventually wounded. A neighbour accompanied "11" during most of the time.

22. "12", a resident of "B", also fled during the attack carrying his rifle. On 10 September, while still in the area, Croat soldiers discovered him and a friend. The Croats arrested both and ordered them to turn over their weapons. A Croat soldier then used his rifle to hit "12". "12" fled with the Croats trying unsuccessfully to shoot him. His friend apparently did not escape, not having been seen since. He spent the next several days hiding in various houses and in the forest in the area. During this time, he discovered Croats had taken the furniture and animals from his house. "12" observed the Croats stealing sheep, cows, and horses belonging to others. He was shot at by Croats twice and wounded in the leg on the second occasion.

23. "13", a resident of "A", fled the 9 September Croat attack. During his escape, he saw civilian Croats stealing cattle, including his own cows and calves.

24. "14" a resident of "A", escaped from her house on 9 September. During the several days she spent in the woods before she made her way to safety in Medak, she saw Croat soldiers burning houses and throwing grenades into houses. Other Croats fired upon her while she was walking to Medak.

25. "15" lived in "C". She entered the Pocket on 26 September to look for her sheep. While searching, she came across the body of a dead female, whose fingers were cut off.

26. Many witnesses report joining up with groups of fleeing Serb soldiers or mixed groups of fleeing Serb civilians and Serb soldiers.

27. Many male civilian residents of the area carried or fled with their rifles.

28. There are many witnesses available who, while not seeing any illegal activity by Croatian forces, can establish the general non-damaged nature of the area prior to the attack and the non-military use of most of the civilian houses.

29. Within several days of their attack, Croatian authorities showed a willingness to withdraw to their 8 September positions. Serb artillery attacks on Karlovac and a Serb missile attack on Zagreb may have prompted this willingness.

30. Negotiations took place, and the parties eventually agreed that the Croats would withdraw to their 8 September positions, and UN forces would occupy the territory vacated by the Croats. UN forces consisted of Canbat I, the Canadian battalion of the Princess Patricia's Canadian Light Infantry. It was augmented by two companies of infantry from two separate French battalions. The Croat withdrawal and insertion of UN forces started on 15 September and were originally to be completed by 6:00 p.m., 16 September.

31. During the evening of 15 September, UN and Croat authorities held a meeting to iron out the implementing details of the original agreement.

32. As the UN forces began to deploy into the Pocket on 16 September, they could hear tens of explosions and see new smoke rising from Croat-controlled territory. There were no Serb forces in those areas nor had there been for many days. Such explosions and smoke had not been seen before 15 September. They also heard small arms fire from the same area. There are many witnesses to this including nearly all Canbat I personnel, UNMOs, UNCIVPOLs, UN civilian personnel, UN and Canadian Forces public affairs personnel and news reporters. All suspected that the Croats were engaged in ethnic cleansing of the Pocket before turning it over to the UN.

33. During the morning of 16 September, several more meetings took place between Croat and UN authorities. As a result, the time by which UN forces were to complete the takeover of territory evacuated by the Croats was delayed 24 hours until 17 September.

34. At noon, 16 September, Croat forces prevented Canbat I soldiers from crossing into the Pocket. This was a violation of the agreement. UN public affairs video and radio, plus Reuters news agency, videotaped this delay. Additionally, there were numerous witnesses to this delay. UN personnel felt the delay was a deliberate tactic used by the Croats to give them more time to complete their ethnic cleansing of the Pocket. UNPROFOR pressed the Croats, and after a delay of about two hours, they allowed UN forces to enter the Pocket.

35. The explosions and smoke from fresh fires continued to be evident from Croat-controlled parts of the Pocket throughout the Croat withdrawal. Again, there are many witnesses to this, including all UN personnel involved in the operation.

36. As UN forces entered the Pocket, they found every building burning or demolished. There were hundreds of such buildings in the several villages and hamlets, none of which were habitable. Special sweep teams assessed and recorded damage, searched for survivors and collected bodies. The teams included UNPROFOR medical officers, UNCIVPOLs, and soldiers.

37. On 16 September, in the Medak Pocket, "16" saw the crest of the Croat Ninth Mechanized Brigade (Ninth) on several Croat army trucks. He also saw the crest of the Croat 111th Home Defence (HD) Brigade (111th) on a Croat army truck.

38. "17" noted Croat soldiers with the shoulder flashes of the Ninth Brigade. On 16 September, he saw Croat police of the Special Police in the Medak area. He witnessed the explosions and fires that preceded the Croat withdrawal. He also saw the complete destruction throughout the Medak Pocket.

39. "18" heard the explosions and saw the fires within Croat-controlled territory on 16 September. He questioned a Croat liaison officer about these. The Croat officer replied that maybe the Croats were destroying their own homes in the area. "18" also observed that the Croat troops within the territory did not react to the explosions as they would to incoming artillery. He witnessed the total destruction and devastation throughout the area. He saw no house undemolished and took photographs of the damage.

40. Also on 16 September, "19" saw about 15 Croat Special Police at Drjlei in the Pocket. These Special Police appeared fresh, probably having recently arrived in the area.

41. During a 16 September meeting held at 10:00 a.m. an UNPROFOR officer specifically asked a Croatian officer to stop the explosions and fires in Croat-controlled territory. The Croatian officer clearly ordered to ensure his troops stopped those actions.

42. Two more representations to the same effect were made to the Croats that day. The Croats said that Croat soldiers were firing into the houses, but that Croat forces were causing the explosions by detonating mines to make the area safe.

43. On 17 September, after personally viewing the destruction in the Pocket, an UNPROFOR officer expressed his disappointment at this devastation to Croat officers. The Croats offered no explanation, but said they would again warn their troops.

44. Also on 17 September, during a dispute between UN forces and the Croatian Army on the exact proper location of their respective forces, an UNPROFOR officer met a Croatian officer in the Pocket. The Croatian officer had a map and was plainly in charge of the Croat forces. The map had been obviously and crudely altered, and it no longer represented the earlier agreed upon placement of various forces.

45. On 19 September, Croatian and UNPROFOR officers met and discussed the exact boundaries of the UN zone of responsibility in the Pocket.

46. On that same date, an UNPROFOR officer met Croatian officers. During this meeting, a Croatian officer threatened to have his Croat forces fire on UN forces, if he did not receive the cooperation he wanted.

47. On 22 September, a meeting was held to finalize the agreed upon positions of Croat and UN forces in the Medak Pocket. A Croatian officer signed a map depicting the agreed relative positions.

48. The Medak Pocket area falls within the area of responsibility of the Croat OZ Gospić. Croat units involved were largely from OZ Gospić. Some Special Police Forces from OZ Split were seen during the operation, but their role seemed to be secondary.

49. The nominal OZ Gospić Commander was a particular Croatian officer. However, during the relevant prelude to the attack and the attack itself, he was not in command due to his absence on leave and to illness. The actual OZ Commander was another officer.

50. The major Croat unit involved in the attack was the Ninth Mechanized Brigade (Ninth), which is unofficially called the "Wolves". It had been designated the 6th Mechanized Brigade until about July 1993. The Ninth was directly responsible to OZ Gospić. Graffiti left on the walls of buildings in the Pocket by Croat forces included the "Ninth" and "Wolves".

51. The 111th also participated in the attack. Miscellaneous other Croat army units formed a minor part of the attacking forces.

52. The UN Military Information (MI) Branch (at UNPROFOR headquarters and elsewhere) compiles orders of battle (orbats) for all the protagonists in the former Yugoslavia.

53. UNPROFOR units sweep teams recovered 18 bodies in the Pocket in the immediate aftermath of the operation. Croat authorities turned over another 64 bodies they said they recovered in the Medak Pocket. These bodies were all given to the Serb authorities. Of all the bodies recovered, 59 (71 per cent) were probably those of soldiers and 23 (29 per cent) those of civilians. Among other factors complicating the determination of military status is that many civilians wear items of military clothing and many local military wear items of civilian clothing.

54. Serb authorities have identified most of the bodies. There are no reported witnesses to the deaths of any of the bodies identified.

55. Medical officers examined many of the 18 bodies recovered by UNPROFOR. The preliminary field examinations and the circumstances in which the bodies were found revealed:

(a) Some suspicious circumstances, e.g., two badly burned bodies were found in a concrete chicken coop that could have been used as a jail, spent casings found near bodies, one body tied up, etc.;

(b) Some bodies had injuries that might have occurred before death, e.g., broken legs, a broken neck, a smashed face;

(c) Some evidence of either pre-death torture or post-death mutilation, e.g., missing ears, eyes or fingers; and

(d) A perhaps higher portion of head and close range wounds than might be expected.

56. These examinations led a medical officer to place the times of death from 24 to over 96 hours before discovery of the bodies, with six having died after 14 September.

57. Serbian authorities had a doctor conduct an examination of the bodies turned over to them by the Croats and UNPROFOR. Only one full autopsy was done. UNCIVPOL describes the rest of the examinations as "cursory". After this, Serb authorities quickly turned over the bodies to relatives for burial.

58. The Serb authorities prepared a postmortem report and gave it to Major Holland. He passed it on to Dr. Robert Kirschner, an experienced pathologist with the independent group, Physicians for Human Rights. Dr. Kirschner's report states that regarding the bodies recovered by UNPROFOR, "there is insufficient evidence to document an execution style slaying". Of those bodies turned over to the Serbs by the Croats, "I could find no evidence to suggest a pattern of extra-judicial executions". His opinions regarding both groups cannot exclude some murders and admit some suspicious circumstances, but in summary the evidence is ambiguous.

59. Dr. Kirschner's further verbal opinion was that the earlier preliminary field examinations and those conducted by a Serbian doctor are not reliable. This unreliability results from the necessarily rudimentary conditions of the field examinations, e.g., the bodies could not be washed, no x-ray equipment was available, etc. Additionally, the medical personnel involved

understandably lacked forensic experience.

60. The Croats claimed in an 11 October statement to the UN in Geneva that they did not violate the laws of war during the Medak battle. They specifically cited the cases of two elderly but apparently still feisty women killed during the attack. They said one was killed while operating anti-aircraft artillery and another blew herself up with a grenade to avoid capture.

61. Most Canbat I personnel entering the Pocket witnessed the total destruction involved. Many buildings were still on fire on 16 September. There may be others with equal experiences. A Canbat I photographer took 1,400 photographs recording the destruction and the 18 recovered bodies. Much of this activity was video recorded by Canbat I personnel.

62. Besides the destruction of buildings, all witnesses saw that most livestock was killed and most personal property, including vehicles and farm equipment, was destroyed. They noted that haystacks were set on fire, and wells were polluted. Croatian forces had discarded hundreds of surgical gloves throughout the area.

63. Canbat I personnel think the bulk of the destruction in the Pocket was done on 16 September.

64. The Canbat I reports state that firewood and other incendiary materials were seen being brought into the area by the Croats. Unfortunately, the report does not identify the specific witnesses to this.

65. UN civilian employees and UNCIVPOLs also witnessed the same destruction. A UNCIVPOL team member made sketches of most buildings and detailed damage assessments of over 100 representative buildings. These assessments confirm the total devastation in the Pocket.

66. The Canadian War Crimes Investigation Team (WCIT) visited the area from 27 to 31 October and on 10 November 1993. The WCIT consisted of Major Holland and Master Corporal T. McComb, both of the Canadian Forces. The team was accompanied by Dr. Kirschner. The team took video and still photographs, interviewed some witnesses and gathered further materials and reports. The team also obtained the 1,400 photographs taken by the Canbat I photographer and arranged and conducted the videotaped assessment by Major S. Laplante (a combat engineer in the Canadian Forces serving as UNPA Sector South Engineer) and Chief Warrant Officer Bastid (an explosive ordinance disposal expert in the French Army serving with UNPROFOR HQ Zagreb) of the damage to civilian buildings.

67. The examinations of the buildings by Major Laplante and Chief Warrant Officer Bastid reveal that the buildings were either set on fire and/or demolished by charges set inside the buildings. Artillery did not cause the damage nor did tank fire, mortar shells, rocket propelled grenades, nor aerial bombardment. Canbat I personnel believed that antitank mines were used to demolish those buildings not burned. However, neither of the above witnesses could be that certain of the type of explosives used.

68. Croat authorities say that the widespread destruction in the Medak Pocket was necessitated by the Serbs using the civilian homes for barracks and the storage of ammunition. What evidence there is of military use of the civilian accommodation is ambiguous or point to its military use by Croat forces. The type of garbage (Croat cigarettes, newspapers, etc.) and the direction the builders pointed the defensive positions (towards Serb controlled areas, etc.) support usage by Croat forces.

IV. ANALYSIS

69. The preceding reveals several potential broad categories of "serious violations of international humanitarian law" 1/ or war crimes within the jurisdiction of the International Criminal Tribunal. These are:

(a) Murder ("willful killing"--Article 2(a), "murder"--Article 5(a), unlawful targeting of civilians causing their death being a general unlisted violation of the laws of war--Article 3);

(b) Torture ("torture or inhuman treatment"--Article 2(b), willfully causing great suffering or serious injury"--Article 2(c), "torture"--Article 5(f));

(c) Genocide by killing (Article 4(2)(a)) or by causing serious bodily . . . harm (Article 4(2)(b));

(d) Wanton destruction ("extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly"--Article 2(d), "wanton destruction of . . . villages, or devastation not justified by military necessity"--Article 3(b)); and

(e) Plunder ("plunder of . . . private property"--Article 3(e)).

70. The war crimes have been analysed in a pragmatic narrow legal fashion. The analysis will seek to decide who specifically, if anyone, can be held criminally responsible for any given crime. Dealing with a war crime, no matter how horrendous or how clear, is in this analysis a fruitless exercise if specific legal responsibility cannot be attributed.

71. Such an analysis will deal with those directly responsible "who planned, instigated, ordered, committed or otherwise aided and abetted" the crime (Article 7(1)). Also dealt with will be indirect (command) responsibility, as referred to in Article 7(3), of a superior "if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof."

72. The analysis of direct criminal responsibility for any of the disclosed war crimes is very simple. At present, there is no evidence implicating any specific identifiable individual in the direct planning, instigation, ordering, commission, aiding or abetting of any of these crimes. Therefore, this analysis will concentrate on indirect, i.e., command responsibility.

73. Proof of command responsibility for war crimes will often be largely circumstantial. Absent capturing or obtaining written orders by the suspects or having the testimony of witnesses to the issuing of these orders, such responsibility can usually only be inferred. Inferences of such orders of a sufficiently reliable nature to satisfy a criminal tribunal can only be derived from clear and convincing patterns. Under the first head of criminal command responsibility, the patterns must be so strong that the only reasonable inference is that the suspect ordered the commission of the crimes. Under the second head of criminal command responsibility, the pattern must be so strong that the only reasonable inference is that the suspect knew of the crimes and failed to control or punish his offending subordinates or that the suspect criminally abandoned his command.

74. As mentioned, there is no evidence identifying any specific individuals with any crimes, including any of the murders. The only first-hand evidence of a murder is in the murder of the 83 year-old blind woman. However, even

here, neither of the witnesses identified the responsible individuals beyond being "Croat soldiers". In any event, there are serious discrepancies between the two witnesses. "6" describes 20 soldiers, "7" describes 10. Furthermore, "6" describes a second woman with the victim, but "7" omits this.

75. The reliability of these witnesses, particularly "6", is questionable. "6" was 200 metres away. "7" was hiding to save her life and almost certainly greatly upset. Their opportunity to reliably observe is moot.

76. There is no convincing general pattern in the deaths occurring in the Pocket. It is suspicious that UN troops found virtually no survivors. It may also be suspicious that there were more head wounds and close-range injuries than might be expected. However, the majority (71%) of the located dead were military. Although not strictly comparable, this was a higher percentage of military casualties than the global figures in WWII, the Korean War, or the Vietnam War.

77. Despite the importance of the presence of surgical gloves stressed in the Canbat I report and elsewhere, their presence is ambiguous. The sinister explanation is a possible one. However, surgical gloves may have simply been ordinary precautions by the Croats to deal with the legitimate dead and wounded anticipated in any attack. The photographs of Canbat I personnel show them also using surgical gloves.

78. A prosecutor cannot use the postmortem examinations of the bodies, as they are unsatisfactory from several points of view. The initial examinations in the field were of necessity cursory, done without equipment and by doctors without forensic pathology qualifications.

79. Further, the examinations done by the Serb authorities were unsatisfactory. They were extremely undetailed and were conducted in an unprofessional atmosphere, i.e., the supervising judge's drunkenness and corruptness.

80. Thus, conclusions reached in the preceding examinations are unreliable. As earlier mentioned, an independent examination of what material remains (Dr. Kirschner's report) also fails to disclose any convincing pattern.

81. Care must be taken in relying upon local witnesses. They tend to be unreliable due to their extremely emotional attachment to their own community's cause and their demonization of the enemy. Witness "9" has given several versions of her experiences. While her versions are not inconsistent, they do not cover the same material, some of which it is surprising not to hear in all versions. Her testimony should be confirmed and carefully considered before presentation.

82. The irrationality of the parties to this conflict is shown by the absurd excuse given by the Croat authorities for the deaths of the two elderly women. They say one was killed while operating anti-aircraft artillery and another used a grenade to kill herself rather than face capture.

83. Therefore, any reliable prosecution should be based on objective evidence, objective witnesses, or clear patterns. One or even two local witnesses may be insufficiently reliable to obtain a conviction.

84. Yet, even using a stringent standard, it is obvious from the many witnesses' experiences that Croatian forces fired on fleeing civilians, killing some. However, this action cannot be proved to be illegal.

85. Many civilians were fleeing in the company of retreating Serb soldiers,

armed Serb civilians or were themselves armed. Thus, the actions of many Croat soldiers were possibly lawful and, at least, ambiguous. Much of the firing was at night. They may have believed they were firing on retreating non-surrendering enemy forces, which remain lawful targets. The law of war does not impose a standard of perfection on soldiers. It accepts that unfortunately civilians near military objectives may be incidentally killed without necessarily breaching the law of war. The inherent ambiguities surrounding this aspect of the Medak Pocket Operation make building a prosecution for unlawful targeting of civilians difficult. The evidence is not sufficiently reliable or clear to obtain a conviction.

86. There is even a hint of contradictory evidence. The sparing of the Serb soldier, as related to "1" is some, albeit second hand, evidence that either there was no express policy to kill everyone, or at least any such policy was not strictly observed. Additionally, the witnesses naturally would not be aware of the possibly many times they were not fired upon by Croat forces.

87. All this being said, some dead were probably murdered. However, no individual can be proved to be directly responsible. Further, there is no strong unambiguous pattern of willful killing emerging from the evidence available to this point. Without such a pattern, it is impossible to affix criminal responsibility upon the Croat commanders.

> "Clearly, assignment to command military troops is accompanied by broad authority and heavy responsibility. This has been true of all armies throughout recorded history. It is absurd, however, to consider a commander a murderer or rapist because one of his soldiers commits a murder or a rape." 2/

What is required is something "extensive and widespread". No such pattern emerges from the evidence. Many commentators have criticized the General Yamashita prosecution, which was, at least, an aggressive use of the doctrine of command responsibility. Even at that, the prosecutors of General Yamashita could point to tens of thousands, if not hundreds of thousands, of victims with 286 witnesses and 423 exhibits.

88. Unlike the deaths arising from the Medak Pocket Operation, there is a clear, obvious and overwhelming pattern of wanton destruction. Hundreds of homes were destroyed, virtually hundreds of other buildings were destroyed, most animals were killed or taken, virtually all personal property was destroyed or taken, all vehicles and farm equipment were destroyed or taken, haystacks were fired, and many wells were polluted. Devastation was total.

89. The timing of the destruction is inconsistent with any legitimate military conduct or of military necessity. The bulk of this destruction occurred on 16 September, according to the many eyewitnesses. The sounds of the explosions, the rising of the smoke from fires, and the fact many buildings were still on fire as UN personnel entered the Pocket establish this.

90. The destruction occurred well after all Serb resistance had ended. There was no Serb resistance in the areas from which the explosions were heard and the rising smoke seen. All effective Serb forces had fled the area at the time of the bulk of the destruction. The devastation was wrought in an unopposed withdrawal, not a contested advance or retreat. Even the Croat liaison officer was forced to use an excuse not involving legitimate combat activity by the opposing forces. The scattered nature of the buildings, with the brief and desultory original Serb defence, does not explain this level of destruction.

91. The widespread destruction by demolition and fire is also generally inconsistent with legitimate military operations. If buildings are contested, then demolition charges cannot usually be placed inside them. Similarly, absent incendiary weapons, of which there is no evidence, being able to set fire to buildings implies an ability to approach and control them. That is inconsistent with enemy forces being present in them.

92. Various contradictory excuses given by the Croats for the destruction suggest the lack of any legitimate excuse for such widespread destruction.

93. The reports, if confirmed, of incendiary materials being brought into the Medak Pocket by the Croats is some evidence of planning. However, this evidence is ambiguous. Obviously lumber and even timber can be used to construct defensive positions as well as be used to burn buildings.

94. The Canbat I report states that any antitank mines used in demolitions would have been centrally controlled. This indicates that their use to destroy civilian objects would have required high level approval. Such control is usual in a regular well-run military. However, there is evidence that this is not always the case with the forces involved in this conflict. Some minefields in Sector South have overlapped, indicating a lack of such central control. Additionally, all the forces display large measures of ill-discipline, lack of control, and disorganization.

95. There are at least two defences to this charge offered or available to the responsible Croat authorities. A Croat press release said that the level of destruction in the Pocket was required by the Serbs' use of civilian buildings as barracks and for ammunition storage. This is clearly an inept excuse. The timing of the destruction, being after Serb resistance ended, argues against it. The extent of the destruction also argues against this excuse. If every destroyed building had contained Serb soldiers and ammunition, the Croats would never have captured the Pocket. Destruction by fire and demolition, as opposed to conventional military assault, also suggests this Croat excuse is invalid.

96. Although not yet raised by the Croats, the second possible excuse is that this destruction was a legitimate use of a "scorched earth" policy. However, pointing out that this excuse was not what the Croats themselves have claimed demolishes it. They chose to rely on the use of these buildings for military purposes by the Serbs.

97. Further, this area was not being turned over or being re-occupied by enemy forces. The UN was taking control of it to the exclusion of the Serb military.

98. Lastly, as a party to the 1977 Protocols to the Geneva Conventions, Croatia is bound by Part IV, Section I of Protocol I. That treaty prohibits this tactic even if the Croats could otherwise claim they were entitled to lay waste to their own territory as a legitimate defensive tactic.

99. It is not practical to prosecute anyone for any torture committed during the Medak Pocket Operation. First, it is not clear anyone was tortured. In each instance of suspected torture, it is possible the body was subjected to post-death mutilation and not pre-death torture. However, mutilation of bodies is itself a conventional war crime. It is not specifically covered in Article 3, but it is perhaps within its general ambit. The determination of this question turns on whether mutilation of corpses is a "serious violation of international humanitarian law" (Article 1).

100. Second, as with the suspected murders, no specific individual can be

identified as involved in any torture or mutilation. Again, assuming torture or mutilation could be proved, the few cases do not form any convincing pattern that could then be attributed to commanders.

101. A particular Croatian officer was clearly in charge of the operation for the Croat forces. The evidence is clear and convincing that he was responsible.

102. The thoroughness of the destruction, the open nature of the methods used (the explosions could be heard and the smoke seen by all), the orders overheard by civilian survivors, the inherent control a commander must or should have, and the express concerns raised by all overwhelmingly point to his responsibility. He, by his actions and by attending at various meetings, was clearly the responsible OZ Commander.

103. Widespread use of roadblocks by all parties in the conflict, particularly near front lines, means that the responsible commanders would or should know about any large-scale movements of personnel or goods entering or leaving an area of operations. Therefore, the commanders either did know or should have known about demolition or incendiary materials entering the Pocket and plundered goods leaving.

104. Can responsibility be found above that officer? Another officer was clearly in charge of the withdrawal of the Croat forces. However, he was only sent from the Zagreb general staff on about 15 September to oversee the withdrawal. The Croats saw the withdrawal as extremely sensitive, requiring a high level of supervision. His responsibility is therefore problematic due to his limited time in the area.

105. There is no direct evidence of the commander of the Ninth's role in the wanton destruction. However, based solely on the orbat information, a prima facie case can be made. As the commander of the major unit involved, he is responsible for the destruction inflicted in the Pocket, which must have involved his unit. Graffiti in some of the destroyed buildings implicate the Ninth.

106. The OZ Commander was replaced shortly after this battle. This, plus his reported Albanian ethnic background, suggests that the Croatian authorities are perhaps more likely to turn him over to the International Criminal Tribunal than another officer of Croat background and in more political favour.

V. RECOMMENDATIONS

107. It is recommended that two Croatian officers be charged with the following war crimes, respectively:

(a) A grave breach of the Geneva Conventions of 12 August 1949, being the extensive destruction and appropriation of property protected under the provisions of the relevant Geneva Convention, such destruction and appropriation not being justified by military necessity and carried out unlawfully and wantonly contrary to Article 2(d);

(b) A violation of the laws or customs of war, being the wanton destruction of villages or devastation not justified by military necessity contrary to Article 3(b); and

(c) A violation of the laws or customs of war, being plunder of private property contrary to Article 3(e).

The charges involve the wanton destruction and plunder which occurred during the Medak Pocket Operation. While the case against one officer is stronger than that against the other, it is believed that there is also a prima facie case against the second officer.

108. It is also recommended that no one be charged with any murder (murder, killing, unlawful targeting of civilians or genocide related deaths), torture or mutilation occurring during the operation. No one has been identified as being directly responsible for such crimes. There are some suspicious circumstances and even some probable murders. However, no convincing pattern can be proved such that a commander can be held indirectly criminally responsible using the doctrine of command responsibility.

Notes

1/ From the Statute of the International Criminal Tribunal (Statute) Article 1. All further references to articles are to those in the Statute, unless stated otherwise. It is interesting that virtually all these provisions are echoed in the Yugoslav constitution.

2/ "Trial of General Yamashita", 4 Law Reports of Trials of War Criminals 35.